

Region 1

Hot Issues

None this week.

Upcoming Public Events

- June 28 – Region 1 will hold a public meeting including a general update on the **New Bedford Harbor Superfund site**.
- June 28 – Region 1 will conduct an **interactive presentation on disaster prevention** through pollution prevention for municipal and private sector emergency planners in New Hampshire. Topics include determining flood risk using online maps, and business disaster preparation.
- June 29 – Region 1 will hold a neighborhood meeting concerning the **Ash Street Superfund site** in Danvers, MA to discuss the results of private property sampling and the plan for cleanup.

Upcoming Major Decisions

None this week.

Last Week Highlights

Annual NEWMOA State/EPA Brownfields meeting

- The Northeast Waste Management Officials Association (NEWMOA) organized an annual meeting held at EPA's Chelmsford Lab on June 15. All six New England states participated in person, and New York and New Jersey by conference line. These meetings provide a forum for EPA and states to exchange ideas and experiences.
- The agenda included an EPA/State roundtable, as well as presentations and discussions on area-wide planning, TCE and vapor intrusion, site vulnerability mapping, and PFOAs.
- Key takeaways/concerns included: EPA budget, variability among states in emerging contaminant response (including PFAS and TCE), potential impact of extreme weather events on cleanups, and interest in supporting area-wide planning (VT and CT most active).

Schiller Station Title V Operating Permit finalized by NH DES

- On May 12, NH DES proposed a revised permit for the Schiller Station power plant with SO₂ emission limits 68% more stringent than the original operating permit. The revision was in response to EPA's previous granting of a Sierra Club petition on the facility's Title V permit.
- On June 12, the state appeals process closed and the permit was not appealed.
- On June 13, EPA R1 notified NH DES via letter that our review was complete and that we did not object to the permit. NH DES finalized the permit on June 15.
- The 60-day filing period for a citizen's petition to the Administrator runs through August 25.

Region 2

Upcoming Hot Issues and Important Deadlines

AES Coal Combustion Residues (CCRs) in Puerto Rico. AES, the only coal-fired power plant in PR, announced on 6/22/17 that it will resume the disposal of CCRs in the Peñuelas and Humacao Landfills on 6/16. This will generate news, as protests and civil disobedience actions are likely by opposition groups and the mayors of both municipalities. The PR Senate is considering proposed legislation to prohibit the deposit of CCRs in PR; and the Governor recently announced that he will soon present his own draft legislation on how to manage CCRs, and he will not consider the Senate's draft legislation on this subject. AES indicated that if the Senate's draft legislation was approved, the company would have to close its operations in PR, which would result in an increase in the cost of electricity on the island.

Ringwood Mines CERCLA Site. The NJ Legislature is planning to hold hearings this summer in response to the North Jersey District Water Supply Commission report, which addresses concerns about possible impacts on the Wanaque Reservoir water supply from 1,4-dioxane contamination from the Site. The report characterizes the potential for impacts from dioxane as a "low probability." However, it notes that if dioxane does impact the water supply, those impacts could be significant as the district's treatment system is not designed to treat for this contaminant. A CERCLA Feasibility Study is currently being prepared by the PRP, Ford Motor Co., and will include alternatives to actively address a deep shaft from which the dioxane appears primarily to be emanating.

Upcoming Public Events

- **Great Lakes Executive Committee Meeting on June 26-27.** Region 2's Clean Water Division Director will attend this meeting, held by the governments of Canada and the United States, to help coordinate, implement, review and report on programs, practices and measures undertaken to achieve the purpose of the Great Lakes Water Quality Agreement.
- **Chemours-Pompton Lakes RCRA Corrective Action Site.** Acting RA Catherine McCabe will tour the site on June 27 with a reporter from the Bergen Record and the local mayor. Pursuant to a RCRA Corrective Action permit Chemours is dredging the lake to remove sediments contaminated with mercury and other metals.
- **Hudson River Five Year Review Public Meeting on June 28 in Poughkeepsie, NY.** This will be the first of two public meetings to discuss and take comment on the Second Five Year Review for the Hudson River PCBs Superfund Site. This meeting is in the Lower Hudson River area; the second meeting will be on July 19 in Saratoga, NY, in the Upper Hudson River area.

Past Week Accomplishments

- On 6/20/2017, R2 issued a consent order to 3 PRPs to carry out a CERCLA removal action to remove containers of hazardous substances and address other hazardous conditions at the TooBro Cheese Site, a former cheese-making facility in Lowville, NY. Operations ceased at the site after the PRPs, all former owners or operators of the facility, were cited by the NYS DEC for a spill containing phosphoric acid, and by another NY state agency for food safety violations. NYSDEC requested that EPA take this action. The estimated cost of the work is \$460,000.
- **Brownfields Workshop on June 22.** EPA Region 2, NJ Department of State, NJDEP and the Center for Creative Land Recycling (R2's brownfield technical assistance provider), along with the New Jersey

Urban Mayors Association and Thomas Edison State University, are co-hosting a one-day workshop on 6/22 to advance redevelopment initiatives.

Region 3

Hot Issues

EPA, in consultation with the Bay watershed states, the District of Columbia and other federal agencies, is releasing its Final Chesapeake Bay Interim 2016-2017 Milestone Evaluations.

As part of its role in the accountability framework described in the Chesapeake Bay Total Maximum Daily Load (Bay TMDL) EPA performs evaluations of Bay jurisdictions and federal agency progress in achieving the goals of the Bay TMDL. EPA has completed final negotiations with the Bay jurisdictions and federal agencies regarding the content of the final 2016 Interim Milestone Evaluations. No "fatal flaws" were identified on the proposed final evaluations shared June 15 and EPA accommodated additional language revisions as appropriate. EPA is preparing to post the final evaluations to the Chesapeake Bay TMDL website and will provide the Bay jurisdictions and federal agencies an embargoed copy of the evaluation prior to the posting.

The Chesapeake Bay Foundation released its Chesapeake Bay Watershed Milestone Report Card

The Chesapeake Bay Foundation issues its own Milestone Report Card. The report card can be found at [[HYPERLINK "http://www.cbf.org/how-we-save-the-bay/chesapeake-clean-water-blueprint/blueprint-progress-tracking.html"](http://www.cbf.org/how-we-save-the-bay/chesapeake-clean-water-blueprint/blueprint-progress-tracking.html)]. Each of the states are rated for their contribution, or lack thereof, of nitrogen, phosphorus, and sediment and receive a rating for meeting their goal, being off track by 10 percent, or being off track by less than 10 percent.

EPA Approves WV Variance to Water Quality Standards

EPA has approved, under the Clean Water Act 303(c), a variance to water quality standards (WQS) for the Martin Creek watershed in Preston County, West Virginia. The Martin Creek watershed is severely impacted by abandoned mine drainage and has mining facilities that have forfeited on their bonds, placing the West Virginia Department of Environmental Protection (WVDEP) in the position of being responsible for treatment. The variance will allow WVDEP's Office of Special Reclamation to redirect its efforts and resources (from its current ineffective approach of treatment at each individual bond forfeiture discharge) to a watershed-based implementation of an innovative combination of instream lime dosers (adding lime to the water to raise the pH and precipitate out metals), a new treatment plant and planned restoration projects. Once the plan is fully implemented, WVDEP expects 3.4 miles of Muddy Creek, downstream of the confluence with Martin Creek, will be restored. This will effectively reestablish biologic connectivity throughout the entire 15.6 miles of Muddy Creek.

Upcoming Public Events

EPA, Maryland and the Chesapeake Bay Trust (CBT) on Thursday, June 29, will hold a press event in Baltimore to announce the next round of grant funding under the Green Streets, Green Jobs, Green Towns (G3) program. The [[HYPERLINK "https://cbtrust.org/green-streets-green-jobs-green-towns/"](https://cbtrust.org/green-streets-green-jobs-green-towns/)] is helping communities reduce stormwater pollution, improve the health of local streams and the Chesapeake Bay, and enhance the livability and walkability of their neighborhoods and business districts. EPA, CBT and the City of Baltimore Office of Sustainability with support from the Maryland Department of Natural Resources will announce \$843,486 in funding to 20 projects throughout Maryland, Pennsylvania, Virginia and West Virginia. Of that amount, EPA provided \$506,730. There is a total local match for the projects of \$1.91 million - \$2.27 for every G3 dollar. The announcement will be made at one of the project locations, the Pigtown section of Baltimore, where stormwater and design features will reduce runoff and calm traffic at a busy

intersection. Baltimore Mayor Catherine Pugh is scheduled to attend. This is the 7th consecutive year the G3 grants have been awarded.

On Thursday, June 29, EPA and Pennsylvania Department of Environmental Protection Announce 2017 Pennsylvania Local Stormwater BMP Implementation Grants in York County, PA. Acting RA Cecil Rodrigues and PA DEP Secretary Patrick McDonnell will be announcing the recipients of the 2017 Pennsylvania Local Stormwater BMP Implementation Grants. The funds the funds came from EPA Chesapeake Bay grants to Pennsylvania,

Past Events

Region 3 Conducted Mid-Year Review of PADEP RCRA C Program

On June 13, 2017, representatives from the Land and Chemicals Division met with the Pennsylvania Department of Environmental Protection (PADEP) Hazardous Waste Program for the fiscal year 2017 (FY17) mid-year meeting. PADEP has been making steady progress toward meeting all FY17 compliance and inspection commitments, while also balancing a heavy permitting workload. Thus far in FY17, PADEP has finalized one variance and is expected to finish a permit renewal in July. PADEP has also seen success with several waste minimization efforts, including school chemical cleanouts and mercury thermometer collections. In the Corrective Action program, PADEP continues to support LCD's efforts, including building capacity to take on long-term stewardship responsibilities for corrective action sites. PADEP is also the only state in Region 3 to have adopted the new Generator Regulations, as well as one of the few to be implementing the 2015 Definition of Solid Waste Rule. PADEP is currently working to respond to implementation questions about these two rules from the regulated community. LCD will continue to work with PADEP to implement the rules, provide training for PADEP staff, and serve as technical resources for emerging compliance and permitting issues.

Sparrows Point Semi-Annual Meeting

On June 20, 2017, representatives from Region 3's Land and Chemical Division's Office of Remediation, along with representatives from Maryland Department of the Environment (MDE) and Region III's Hazardous Site Cleanup Division (HSCD), hosted a public information meeting for the former Bethlehem Steel Sparrow's Point facility (Facility) in Edgemere, Maryland. LCD, MDE, and HSCD updated the public on the status of ongoing environmental activities at the Facility, and answered attendees' questions. MDE presented an update on the work related to the redevelopment parcels, including details of the most recently completed investigations, that are undergoing construction to accommodate businesses that will be moving in in the near future. EPA provided an update of ongoing environmental remediation activities, beyond the redevelopment parcels, and on the offshore investigation. In addition, Trade Point Atlantic, the current owner of the Facility, presented the remediation plans for the Tin Mill Canal, which will go through the Remedy Selection process, with the goal to begin implementation in the fall. A crowd of about twenty (17) members of the public, including two local press representatives, attended the meeting. The next public information session will be held in the fall.

National Boy Scout Jamboree Tabletop Exercise in Fayette County, West Virginia

Region 3 participated in a Tabletop Command Post Exercise for the upcoming pre-deployment activities for the National Boy Scout Jamboree on June 22, 2017. Region 3 staff has membership on the Joint Interagency Task Force (JIATF) for the Jamboree, which is scheduled to take place at the Summit Bechtel Reserve in Fayette

County, West Virginia from July 19 to 28, 2017. The tabletop exercise is intended to allow players exercise response scenarios, including planning, responding, and resource requirements to ensure the health and safety of the expected 45,000 attendees of the event. Other participants in the exercise and JIATF include WV National Guard, WV Department of Homeland Security and Emergency Management, WV Department of Environmental Protection, and National Boy Scouts of America Key Leaders.

Meeting with Delaware State and Local Representatives on Brownfields Rapid Health Impact Assessment Project in Dover, Delaware

On June 15, 2017, Region 3 and HQ Office of Brownfields and Land Revitalization staff (*via teleconference*) met with state and local representatives on a potential project involving Brownfields and the Office of Research and Development (ORD - Cincinnati) at the Kent County Administration Building in Dover, Delaware. Representatives of the City of Dover (Interim City Manager), Kent County Administrator, Kent County Economic Development (Director), Delaware State University, Delaware Office of Management and Budget (State Planning Coordination), Downtown Dover Partnership, Delaware Department of Agriculture (Deputy Secretary), Delaware Department of Natural Resources and Environmental Control (Brownfields Coordinator), and the U.S. Department of Agriculture (Business and Cooperative Program Director) were in attendance. The project would involve conducting a 'rapid' Health Impact Assessment for potential redevelopment of a brownfields site to an aquaponic/mixed-use facility in downtown Dover. The group agreed to be the HIA Team to work with EPA on a rapid HIA that will mainly consist of webinars and teleconference meetings throughout the summer of 2017. Delaware Division of Public Health will also be part of the HIA Team. A schedule and topics will be developed soon with the hope of webinars beginning in early July 2017.

North Penn 5 Unilateral Administrative Order issued for Partial Remedial Investigation of Bedrock

On June 13, 2017, Region 3 issued a CERCLA § 106 Unilateral Administrative Order (UAO) to Stabilus, Inc., ZF Sachs Automotive of America, Inc., Constantia Colmar, Inc., County Line Land Limited Partnership, and Honeywell International, Inc., to conduct the first phase of the bedrock aquifer remedial investigation (Phase 1 Partial RI/FS) at Operable Unit 2 (OU2) of the North Penn Area 5 Superfund Site located in Montgomery and Bucks Counties, Pennsylvania (Site). Region 3 has determined that the actual or threatened release of hazardous substances may pose an imminent and substantial endangerment to public health or welfare or the environment. Trichloroethylene (TCE) and the other volatile organic compounds detected at the Site, are "hazardous substances" within the meaning of Section 101(14) of CERCLA. TCE concentrations were found as high as approximately 180,000 µg/l in the groundwater adjacent to the building at OU2 of the Site in the area of the storage tank. In addition, TCE concentrations were found as high as approximately 36,000 µg/l in the groundwater in the bedrock beneath OU2.

EPA Region III Issues Superfund Comfort/Status Letter to Brodhead Creek Regional Authority in Connection with the Butz Landfill Superfund Site. On June 14, 2017, EPA issued a Superfund Comfort/Status letter to the Brodhead Creek Regional Authority (BCRA) concerning its acquisition of certain real property and assets from the Pocono Jackson Joint Water Authority's (PJJWA) municipal water distribution system (WDS) in connection with the Butz Landfill Superfund Site (Site) located in Jackson Township, Monroe County, Pennsylvania. Specifically, BCRA intends to acquire the PJJWA water service district and all PJJWA owned public water

permits, dockets, water distribution facilities and real property necessary to allow BCRA to provide public water to the PJJWA water service district.

Residential Soil Removal Action Completed near Lower Darby Creek Area Superfund Site-Clearview Landfill, Philadelphia and Delaware Counties, Pennsylvania – On June 15, 2017, Time-Critical Removal Action field activities to address residential yards in the Eastwick Neighborhood portion of southwest Philadelphia were completed. These yards were contaminated with high levels of polycyclic aromatic hydrocarbons potentially related to the Clearview Landfill, which is immediately adjacent to the neighborhood and is part of the larger Lower Darby Creek Area Superfund Site. The removal action was initiated in August 2016. As a result of the removal action, 33 residential yards were excavated up to a depth of 2 feet below ground surface (bgs), backfilled with clean soils, and restored to pre-excavation conditions. Approximately 3,000 cubic yards of contaminated soil were excavated as part of the removal action and temporarily staged on top of the Clearview Landfill. This soil will be consolidated under the new cover that will be constructed on the landfill as part of the upcoming remedial action. At least 80 additional residential yards also are impacted by PAHs but do not qualify for the removal action. These yards will be addressed under the first phase of the upcoming remedial action for the Clearview Landfill.

Region 4

Hot Issues

Chemical Release to Cape Fear River (Chemours Facility)

Key Message: Two chemicals that are used in the production of products such as Teflon™, have been found in the Cape Fear River, the source for the Wilmington, NC, drinking water system. Chemours (formerly DuPont) uses GenX technology as a newer processing aid that enables the production of high-performance fluoropolymers without the use of perfluorooctanoic acid (PFOA). GenX is a shorter chained compound and replacement for the legacy, long-chain PFOA contaminant. It has been stated to have a faster bioelimination process, lower bioaccumulation potential and more favorable toxicological profile than PFOA.

The Office of Chemical Safety and Pollution Prevention (OCSPP) has had a Toxic Substances Control Act (TSCA) Order for the production of GenX in place since 2009 which allows the use of GenX chemicals in manufacturing. The Order requires the following: (1) additional toxicological risk information/studies be submitted to OCSPP, (2) limitations on the release of these chemicals into the environment, and (3) worker safety measures such as personal protective equipment for all facilities manufacturing or processing the chemicals (there are currently only two such known facilities – one in NC, the other in WV).

- **(Update)** Region 4, in coordination with OECA and OCSPP, will conduct an on-site inspection June 28 and 29 to determine Chemours' compliance with the TSCA order. In addition, EPA has had several calls with the State of NC to discuss available toxicological and risk-based information related to the contaminants and to prepare for discussions with Chemours concerning the upcoming inspection.
- **(Update)** Region 4 sent a notice to the company on June 22, 2017, alerting them of next week's inspection (as required by TSCA).

MS Phosphate Corporation Site (Pascagoula, MS) - Tropical Storm Cindy Preparations

Key Message: Tropical Depression Cindy made landfall along the Gulf Coast early this morning. The MS Phosphate Corporation (MPC) Site discharge targets were raised from 2 to 4 million gallons per day (MGD) with additional lime deliveries scheduled for wastewater treatment to prevent the need for an emergency bypass and discharge system at the site.

- The increased wastewater treatment has temporarily increased daily associated costs by approximately \$25,000/day.
- On February 21, 2017, EPA and EPA's Emergency Response and Removal Services contractor (ERRS) began operation of the wastewater treatment and discharge systems at MPC to reduce the threat of an uncontrolled release.
- This site includes ponds and ditches that contain approximately 750,000,000 gallons of low Ph contaminated wastewater.
- Site pollutants such as phosphorus, fluoride, and ammonia pose a continual threat to the surrounding surface water bodies and ecosystems due to the high nutrient loading and chemical oxygen demands when discharged during bypasses from the Site.
- Storm totals of 6 to 9 inches are expected in southeastern Louisiana, southern Mississippi, southern Alabama and western portions of the Florida Panhandle through Thursday night.

- Additional rainfall amounts of 2 to 4 inches, with isolated amounts up to 8 inches, are possible through Friday morning from southern Mississippi into the western Florida Panhandle.
- While not expected, in case there is a need for an emergency bypass and discharge, the following measures have been taken:
 - additional pumps are onsite,
 - a pipeline has been installed from the caustic tank for rapid wastewater treatment,
 - a bypass contingency plan has been finalized; and
 - a bypass communications plan is being prepared for the state, local governments, the general public, etc.

PACE Analytical Laboratory, Greensburg, PA – Radiochemistry Drinking Water Laboratory Certification

Key Message: Region 4 was notified by the Office of Ground Water and Drinking Water (OGWDW) that the contractor (CSRA, LLC) would not be able to provide an assessment of the radiochemical drinking water analytical corrective actions received from PACE Analytical Laboratory (PACE) on May 30, 2017 until August 2017.

- The current contract with CSRA ends in July, and no additional funds can be spent on this lab assessment until the new contract schedule; August 2017 – July 2018.
- The Region 4 and the GA Department of Natural Resources, Environmental Protection Division (GA DNR EPD) are awaiting these corrective actions to plan next steps with broad implications for the compliance status of all Public Water Supply Systems in the state.
- Region 4 is asking that OGWDW consider this a top priority. PACE has National Environmental Laboratory Accreditation Program (NELAP) certification with 38 other states and this assessment may lead to compliance concerns affecting all EPA regions.

Louisville Gas & Electric Company (LG&E) Coal Combustion Residuals Landfill

Key Message: On June 7, 2017, EPA Region 4 received a letter from the Louisville District of the U.S. Army Corps of Engineers (Corps) with an attached draft permit and decision document for an LG&E project to construct a 189-acre landfill for coal combustion residuals in Trimble County, Kentucky. Pursuant to the 1992 MOA, the EPA has 15 calendar days (i.e., by June 22, 2017) to notify the Corps whether we will elevate our review to the Office of Water.

- In 2014, the EPA submitted comments to the Corps pursuant to the 1992 EPA/Corps Clean Water Act Section 404(q) Memorandum of Agreement (MOA), which expressed concerns with LG&E's alternatives analysis and the impacts to aquatic resources of national importance. Many of the EPA's comments have been subsequently addressed by LG&E.
- A letter is currently routing for the RA's signature which states: 1) the Corps generally addressed concerns we previously identified regarding the alternatives analysis; 2) based on our review of the information provided by the Corps, the EPA's position remains that the impacted waters are aquatic resources of national importance; and 3) we will not elevate our review to the Office of Water.

Oak Ridge Reservation (USDOE), Oak Ridge, TN

Key Message: On May 31st, the Department of Energy (DOE) Oak Ridge Reservation elevated to formal dispute issues related to the sufficiency of the Remedial Investigation/Feasibility Study (RI/FS-D5) and the draft Proposed Plan (PP) for the Environmental Management Disposal Facility (EMDF).

- DOE maintains that the RI/FS is sufficient and approvable as is and requests regulator review and approval of the PP to be released for public comment. EPA's position is that the RI/FS does not appropriately identify all the Applicable Relevant and Appropriate Requirements (ARARs) related to the siting of the landfill.
- The Tennessee Department of Environmental Control (TDEC) raised two additional issues: 1) requesting that characterization data be collected and 2) radiological modeling be conducted to establish waste acceptance criteria.
- The formal dispute will initiate at the level of the Superfund Division Director. If the dispute is not unanimously resolved by June 29th, it will be elevated to the Regional Administrator (RA) for an additional 21 days.
- If the dispute is not unanimously resolved during that time period, the RA will issue a written position on the dispute. DOE or TDEC may, within 21 days after the RA's issuance of a written position, elevate the dispute to the Administrator of the EPA for final resolution.
- **(Update)** A meeting with EPA, DOE, and TDEC has been scheduled for June 22nd in Oak Ridge to discuss the issues presented.

Upcoming Public Events

- June 27, 2017 – Public meeting in Oxford, NC for the Cristex Drum Superfund Site to discuss EPA's Proposed Plan
- July 6, 2017 – Kerr-Mcgee Chemical Corp Superfund Site Tour in Jacksonville, FL and community and stakeholder meetings
- July 11, 2017 – Final public meeting led by the Army for the RCRA 7003 UAO in Forest Park, GA for the Fort Gillem site.

Upcoming Major Decisions

Terry Creek Dredge Spoil Areas/Hercules Outfall, Brunswick, GA

Key Message: On June 19th, the EPA issued an Interim ROD (IROD) that specifies the interim remedy for Operable Unit 1: Outfall Ditch at the Terry Creek Dredge Spoil Areas/Hercules Outfall Site. The State of Georgia Environmental Protection Division concurred with the interim remedy decision.

- The Terry Creek Site consists of a salt water tidal creek and marsh system contaminated with toxaphene caused by discharges from the former Hercules pesticide plant.
- The Site was proposed to the National Priorities List (NPL) in 1997; however, the Site was never finalized on the NPL. Hercules (owned by Ashland, Inc.) is currently the sole identified potentially responsible party (PRP).
- The EPA plans to use the Superfund Alternative Approach (SAA) in future settlement agreements for investigation and remedial action work in lieu of finalizing the Site on the NPL. The SAA is an alternative to listing a site on the NPL before securing a cleanup agreement at the site. The EPA may

enter into cleanup agreements at sites not on the NPL if there is a willing PRP, the site scores high enough to be listed on the NPL, and a remedial action is required. The SAA uses the same process and standards for investigation, cleanup, and community involvement as sites on the NPL.

- The EPA provided opportunity to the public and stakeholders to provide input on the OU1 Proposed Plan in 2015. EPA's responses to the questions asked at the public meeting and comments received during the public comment period are included in the Responsiveness Summary for this IROD.
- Communications action plan includes (1) Notification to GA EPD, local government, and community groups prior to public notice to share the final IROD; (2) Issue a Press Release; (3) Hold an availability session in the fall to provide an update on all the Brunswick sites.

Last Week Highlights

None

Region 5

Hot Issues

Region 5 is Working with MDEQ and Flint to Ensure Qualified and Licensed Operation of Plant

Key Message: The city of Flint and Michigan Department of Environmental Quality are at risk of being out of compliance with EPA's January 21, 2016 Emergency Order by failing to ensure that the city has the necessary, capable and qualified personnel required to ensure that the public water supply complies with the Safe Drinking Water Act.

The current operator in charge and supervisor at the Flint Water Treatment Plant (WTP) will cease working for the city as of Friday, June 23. There are no qualified operators in the city's employment that can fill this position, which is required by state regulations and rules in order for the WTP to operate. In addition, the WTP is already short-staffed since many employees have resigned and taken positions at the neighboring Genesee County WTP.

EPA senior management held a call with the city and state on June 16 and followed up with a June 16 letter to MDEQ (with cc to city) stating our concerns with this situation and the need to find a replacement to ensure continued proper operation of the Flint WTP. The city is working to have a contract in place with an engineering firm to fill the operator role. MDEQ does have engineers on staff that are certified operators and can fill the position on a temporary basis, if needed, but the state wants the city to go with the temporary contractor option. EPA correspondence can be found [[HYPERLINK "https://www.epa.gov/flint/flint-drinking-water-documents"](https://www.epa.gov/flint/flint-drinking-water-documents)].

EPA Working with MDEQ to Address Groundwater Contamination at the Ford Livonia Transmission Plant in Livonia, Michigan

Key Message: TCE and vinyl chloride contamination, as well as Light Non-Aqueous Phase Liquid (LNAPL), in groundwater have been identified and there is potential for vapor intrusion into neighboring residences and on-site buildings.

The on-site TCE and vinyl chloride contamination in groundwater at the Ford Livonia Transmission Plant is migrating off-site. Given this, there are concerns that vapor intrusion is occurring in buildings. An uncharacterized LNAPL, possibly unrelated to the TCE and vinyl chloride, has also been identified on Ford's property. Ford has been investigating the contamination since 2015 under Michigan's voluntary cleanup program and has shared its investigation progress with MDEQ, city of Livonia, local businesses and nearby residents.

Ford believes that it has defined the extent of the vinyl chloride plume in the off-site neighborhood and has taken steps to contain the plume and protect the surrounding community. However, it is unclear to MDEQ and the region as to whether these steps are adequate. MDEQ and the region agree that given citizen concern and the potential for VI in on-site buildings and in off-site basements, it is necessary to bring Ford under an enforceable agreement, rather than continuing through the voluntary cleanup program.

Elevated Lead Levels in Soil at Sensitive Population Properties at the Sandoval Zinc Superfund Site in Sandoval, Illinois

Key Message: EPA has identified lead levels above the removal action level of 1200 mg/kg in one area of a preschool property at the Sandoval Zinc Superfund site and is exploring options for swift action.

Lead levels at a KinderCare preschool property range from 291 – 1100 mg/kg. Lead levels at the elementary school ranged from 60.2 – 220 mg/kg. All results are preliminary and require validation. EPA expects to receive results from a park within the next several days.

Region 5's Superfund remedial program has communicated the preschool results to ATSDR, the Illinois Environmental Protection Agency, and relevant stakeholders including: property managers and school officials. The region has provided advice to the preschool property owner and property manager on how to minimize exposure in the short term, such as not allowing the children to play in certain areas of the property where high results were found, and is keeping the Mayor informed. The results have also been referred to the Superfund removal program for removal action. In the interim, the remedial program is continuing to provide advice to the relevant stakeholders and is consulting with the removal program as additional property results are received. The region has requested expedited data validation for all the park and school properties.

Upcoming Events

Region 5 to Host East Chicago Community Meeting on June 24

Key Message: The June 24 meeting will be the first in a series of monthly community meetings for residents of the USS Lead site.

As part of the Administrator's East Chicago Customer Service Plan, Region 5 will be hosting community meetings one Saturday every month for the foreseeable future. Regional community involvement coordinators and site experts will be on hand to discuss different topics, based on community input gathered before the meetings, and answer questions. The first meeting will consist of an update on current activities and a general question and answer session.

Region 5 to Host Information Session in East Chicago on Proposed PCB Disposal Approval for the Indiana Harbor Confined Disposal Facility

Key Message: Based on comments received during a public meeting and comment period, the region is hosting a meeting on June 22 to provide more information on the proposed approval and the Confined Disposal Facility.

The region is proposing to issue a Risk-Based Disposal Approval to the Army Corps of Engineers (USACE). The approval is valid for the disposal of PCB contaminated dredged material generated from the Indiana Harbor and Canal dredging project. The PCB dredged material will be disposed on-site in the Indiana Harbor Confined Disposal Facility (CDF) under the supervision of the USACE. On June 19, Region 5 responded to an inquiry to Congressman Peter Visclosky's office about the purpose of the meeting. Also, on June 20, the Community Strategy Group circulated a flyer urging residents to attend the meeting, describing it as related to "the USACE permit to dump toxic chemicals next to Central High School and the new Carrie Gosch School.

Upcoming Major Decisions

None

Past Week Accomplishments

None

Region 6

Upcoming Hot Issues and Important Deadlines

Bird Creek, Pawhuska, Oklahoma

Following the shut in of the injection wells on June 9, fluid levels of the wells continue to be measured. The wells of concern have been brought on line in sequence on June 14, June 16, June 18 and June 20. Region 6 is evaluating the fluid level data. Data collection from all deployed 18 monitors and sampling of the discharge from the three locations is scheduled for next week. We will download the stream monitoring data next week while we are sampling the discharge points into the water bodies. After we get the monitoring data, we will start looking to see if there are relationships between the shut down and startups of the injectors and what levels of TDS we detect in the receiving water bodies. We continue to work with the Chapman Ranch staff and BIA to monitor for hot spots in Bird Creek. Earlier this week, we received responses from the well operators to our request for historical operations data.

Lea and West Second Street Superfund Site, Roswell, New Mexico

EPA plans to conduct verification air sampling from residential and commercial buildings at the Lea and West Second Street Superfund site. An initial sampling in May, 2017, indicated exceedances of tetrachloroethene, a chemical used in dry cleaning, which is a potential carcinogen. EPA plans to be onsite during the sampling to oversee contractors and to discuss sampling results with building occupants/owners.

Citizen Potawatomi Nation of Oklahoma

Internal EPA review by Headquarters' Office of Water, General Counsel and Tribal Affairs on the draft approval of the treatment as a state authority (TAS) for Citizen Potawatomi to administer water quality standards and certification program under the federal Clean Water Act is underway. Citizen Potawatomi Nation of Oklahoma submitted a TAS application for a nonpoint source grant program (319) and two regulatory programs 303(c) WQS and 401 water quality certification.

Bunge International Grain Elevator, Destrahan, Louisiana

Region 6 will issue public notice in the Federal Register of the Administrator's order responding to a public petition to object to the Bunge International Destrehan Grain Elevator Title V operating permit modification completed by the Louisiana Department of Environmental Quality (LDEQ). The petition sought to have the Administrator object to Title V permit issued to Bunge on December 18, 2015 by the LDEQ, and was denied.

Georgia Pacific Plant, Crossett, Louisiana

Region 6 is concluding Hydrogen Sulfide (H₂S) sampling in and around the Georgia Pacific Plant in Crossett, Arkansas, and compiling information into a summary report for public release. The project started in January 2017. The project has been closely coordinated with city officials, Georgia-Pacific officials and community leaders in an effort to gather additional scientific information regarding possible hydrogen sulfide emission sources in the area. Georgia-Pacific agreed to allow 11 monitors to be located within their plant boundaries. City and community leaders agreed to the location of an additional nine monitoring locations within the community. A total of 20 air monitors will collect hydrogen sulfide samples. Each sample will be collected over two-week intervals for up to six months. Arkansas-Democrat Gazette has filed a FOIA for the data.

NEPA**North Houston Highway Improvement Project, Harris County, Texas**

Department of Transportation (Texas) is preparing an Environmental Impact Statement for the North Houston Highway Improvement Project. TxDOT is proposing improvements to create additional roadway capacity to manage congestion, enhance safety, and improve mobility and operational efficiency on Interstate Highway 45 (I-45) in Harris County, Texas. Region 6 will support TxDOT by meeting our basic statutory requirements for participating in the environmental review process.

FOIA

EPA-R9-2017-008432 - Margaret Townsend, **Center for Biological Diversity**, EPA records referencing the Programmatic Environmental Impact Statement for the 'Border Wall'.

Upcoming Public Events

- June 26 – Pizza Hut, Dallas LIFE and Food Donation Connection celebrate more than 100 million pounds of food to local food banks and charitable organizations. The 25th anniversary of their food donation program *Harvest*. EPA will attend.
- July 10 – North Wastewater Treatment Plant Groundbreaking Ceremony, Sunland Park, New Mexico
- July 12 – EPA Regional Tribal Operation Committee meeting, Albuquerque, New Mexico
- July 27-28 – Children's Health Symposium at University of Texas at El Paso, Texas. EPA is sponsoring the event.
- August 3 – Texas Environmental Law Superconference, Austin, Texas. Acting RA will keynote.
- August 8 – State Environmental Directors' Meeting, Dallas, Texas (Tentative)
- September 11–13 – National Air Quality Conference, Austin, Texas. Attendees will learn the latest information on air quality forecasting and mapping.
- September 12-14 – US Mexico Border National Coordinator Meeting, Mexico City, Mexico
- September 17-21 - 19th Annual Stormwater Conference in San Antonio, TX. The Conference will inform and educate professionals on controls that can address water pollution
- October 27 – Arkansas Environment Federation 50th Annual Convention, Hot Springs, AR. Acting RA will keynote.

Upcoming Decisions**Louisiana Regional Haze**

Region 6 is proposing to approve Louisiana's regional haze State Implementation Plan. Louisiana submitted an update to their February 2017 SIP on June 21, 2017, to address its BART eligible electric generating units (EGUs). Region 6 is required by Consent Decree to propose action by June 29, 2017, and take final action by December 15, 2017.

Arkansas Regional Haze

EPA and ADEQ are in agreement with the path forward for AR Regional Haze. Region 6 expects to sign a Modified FIP by June 30, 2017. The state is currently working with the industry to complete the work for a SIP intended to replace the FIP in AR. EPA must address the NOx compliance deadlines for a few EGUs that are scheduled to comply by April 2018. This will be in the form of a modification to the FIP to extend those

deadlines. Failure to do so would put the industry in jeopardy of being out of compliance or force shutdowns and threaten grid reliability.

Dallas-Fort Worth Nitrogen Oxides Reasonable Available Control Technology SIP

Region 6 intends to propose approval of revisions to the Texas SIP addressing Nitrogen Oxides (NOx) RACT for all other affected sources in the 10-county DFW ozone nonattainment area and conditional approval of revisions to the Texas State Implementation Plan (SIP) addressing NOx Reasonable Available Control Technology (RACT) for Martin Marietta cement plant in Ellis County.

Texas Regional Haze

Region 6 and TCEQ continue to develop an approach to address Texas Regional Haze and meetings are being set-up for July 19 in Washington DC to finalize an agreed upon approach. Texas has provided a proposal and subsequent clarification that describes a proposed "Intrastate Trading Program" that would be a part of a FIP that would ultimately be implemented by the State. We are proceeding with detailed discussions internally to draft the implementing documents. However, this approach may not be completed by the September 9 CD deadline that requires EPA to finalize a plan. Region 6 is drafting an alternative in the form of a FIP that considers the comments received, and sets an appropriate level of BART controls for EGUs. TCEQ Chairman Shaw has been briefed and understands that this might require that EPA issue a FIP to implement the agreed approach.

Past Week Accomplishments

EPA conducted two successful public meetings in Houston and New Orleans regarding the proposed Oil and Gas Off Shore NPDES permit renewal.

Pending Actions (Pending Federal Register Publication)

- Final Authorization of Louisiana Waste Management Program Revisions; Proposed Rule and Direct Final Rule
- Final Authorization of Oklahoma Hazardous Waste Management Program Revisions; Proposed Rule and Direct Final Rule
- Proposal and Direct Final Rule for Collin County (Frisco area) Lead Redesignation to Attainment and the Maintenance Plan
- Albuquerque Bernalillo County Revisions to NSR Preconstruction Permitting Program

Region 7

Hot Issues

R7 Finalizes ACO with Jim Dalinghaus, d/b/a Jim Dalinghaus Feedlot

Key Message: On June 14, 2017, R7 and Jim Dalinghaus (Respondent), doing business as Jim Dalinghaus Feedlot, entered into an Administrative Order for Compliance on Consent to address the unpermitted, large concentrated animal feeding operation's (CAFO) ongoing CWA violations.

- Evidence collected as a result of a January 2017 inspection and subsequent March 2017 sample collection inspection revealed that the facility is discharging high concentrations of E. coli associated with feedlot runoff into tributaries of the Black Vermillion River, causing risks to human health, threatening aquatic life and its habitat and impairing the use and enjoyment of the waterway.
- The ACO requires Respondent to submit a good faith application to KDHE for a NPDES permit within 90 days, submit an interim measures report to EPA within 30 days, initiate construction of runoff control structures approved by KDHE within 6 months and complete the same within 18 months, and submit written monthly progress reports until construction is completed.
- KDHE has reviewed the ACO, provided comments and supported its issuance.

Upcoming Events

Washington County Lead District- Furnace Creek Site Public Meetings

Key Message: On June 26 and 27, 2017, R7 will hold two public meetings for the Washington County Lead District-Furnace Creek site to solicit feedback from the public on the proposed plan for the Interim Record of Decision.

- The meetings will be held in Potosi and Caledonia, Missouri.
- The public comment period begins on June 22, 2017.
- The interim remedy addresses lead contamination at 775 residential properties.

SIP 101 Training

Key Message: On June 27, 2017, SIP 101 training will be provided to Missouri Department of Natural Resources staff by Central States Air Resources Agency in Jefferson City, Missouri.

- The purpose of the training is to help MDNR staff gain a better understanding of how to develop, implement, enforce, and evaluate air pollution mitigation strategies in order to have the most effective and approvable SIP.
- R7 was asked by MDNR to participate in the training to provide a regional perspective of how the SIP is reviewed, and ultimately acted on; and to provide the state with technical contacts to utilize as resources when developing their SIP.

Upcoming CERCLA Education Center Trainings

Key Message: R7 will host two CERCLA Education Center trainings in Kansas City, Missouri.

- On June 26-27, 2017, a "Removal Process for Remedial Project Managers" class will be delivered by EPA HQ's contractors and staff to over 30 regional and state employees.
 - The course focuses on the various aspects of the removal process and methods for integrating removal actions at National Priorities List sites to complete Superfund response activities as quickly and effectively as possible.

- On June 28-29, 2017, a “Waste Treatment, Transportation and Disposal” training will also be delivered by EPA HQ’s contractors and staff to over 20 regional and state employees and other environmental professionals.
 - The course focuses on technical and regulatory issues that On-Scene Coordinators and Remedial Project Managers must address when treating, transporting and disposing of waste.

Last Week’s Highlights

Contract Site Visit at Parkview Well Site in Grand Island, Nebraska

Key Message: On June, 21, 2017, R7 staff conducted a site visit for contractors interested in bidding on contract work for the Parkview Well Site in Grand Island, Nebraska.

- The work includes operation of a groundwater extraction and treatment system.
- The contract is a “Woman-Owned Small Business Set-Aside” competition.
- 11 contractors attended the site visit.
- The solicitation closes on July 6, 2017.

Region 8

Hot Issues

Region 8 Proceeding with Work Takeover at the Richardson Flat Superfund Site in Summit County, Utah

Key Message: Region 8 is proceeding with work takeover at the Richardson Flat Superfund Site (Site) in Summit County, Utah, in order to complete an Engineering Evaluation and Cost Analysis (EE/CA).

- In 2014, EPA, UPCM, and the Natural Resource Damage Trustees entered an administrative order on consent for engineering evaluation and cost analysis, as well as a removal action, at the Site (OU2/3 AOC).
- After finalizing the OU2/3 AOC, UPCM failed to meet key deadlines, and has been repeatedly late and deficient in performing the required work.
- On May 25, 2017, EPA issued a notice of work takeover, and provided 10 days to cure the identified deficiencies, pursuant to the terms of the OU2/3 AOC.
- On June 16, 2017, EPA issued to United Park City Mines a notification that EPA will proceed with work takeover because United Park City Mines had failed to cure various deficiencies.
- Pursuant to the OU2/3 AOC, UPCM has 30 days from EPA's June 16, 2017 notification to invoke dispute resolution regarding work takeover.
- During the 30-day dispute resolution window, EPA plans to proceed with site characterization.
- UPCM has requested a meeting with EPA management officials to discuss the filed 104(e) complaint and potentially other issues associated with the Site.

Upcoming Public Events

Kootenai National Forest Meeting, Kalispell, MT

Key Message: On June 23, 2017, EPA will be attending a meeting organized by the Forest Service to discuss and coordinate on the fire suppression management of the Libby Asbestos Superfund Site Operable Unit 3.

- EPA and the Forest Service finalized an Engineering Evaluation and Cost Analysis for OU3 on June 9, 2017.
- The USFS is interested in promoting dialogue between the entities which have authority/values at risk within OU3 that would be impacted by fire in the area.
- This is an effort to better understand the various priorities and concerns that each entity brings to the table to inform decision making related to fire suppression in OU3.
- Attendees include MT Department of Environmental Quality, MT Department of Natural Resources and Conservation, US Fish and Wildlife Services, US Army Corps of Engineers, W.R. Grace and several private land owners. In addition, open invitations were made to Senators Daines and Tester, and Representative Gianforte.

Upcoming Major Decisions

Montana Regional Haze Site Visit

Key Message: June 28-29, 2017, staff from the Region 8 Air Program and the Office of Air Quality Planning and Standards (OAQPS) will meet with Montana Department of Environmental Quality (MT DEQ) staff to continue discussing the transition of EPA's Regional Haze Federal Implementation Plan (FIP) for Montana to a state implementation plan (SIP). Together, EPA and MT DEQ staff will also visit a Regional Haze air quality monitor and tour the Oldcastle cement kiln near Trident, Montana.

- MT DEQ is working closely with us to submit a Regional Haze SIP as soon as practicable.
- In late August 2017, EPA will take final action on a Regional Haze FIP revision that we proposed in April 2017 to revise the NO_x limit for the Oldcastle cement kiln.

Pending Denial of Class V UIC Permit for Failing Septic Systems at Lodge at Mount Rushmore, SD (First reported in June 1 Weekly Report)

Key Message: **Decision needed by HQ.** Region 8 plans to issue a final decision next week to deny a Class V Underground Injection Control permit application for failing septic systems at the Lodge at Mount Rushmore in Keystone, South Dakota.

- On February 15, 2017, Region 8 issued a notice of intent to deny a Class V permit for the Lodge, owned by the Winona Inn Limited Partnership.
- News media accounts have focused on the Lodge owner's noncompliance with state and county requirements as well as non-compliance with EPA's Safe Drinking Water Act requirements.
- No information was provided through public comments that demonstrated underground sources of drinking water could be protected through operation of the Lodge's septic systems.
- In March, a State Circuit Court Judge ordered the Lodge owner to keep the Lodge closed pending issuance of: 1) an EPA Class V permit; 2) a South Dakota lodging license; and 3) a county conditional operating permit for the Lodge's septic systems.
- Region 8 coordinated with the state of South Dakota, Pennington County, and the Office of Ground Water and Drinking Water on this matter.

Last Week Highlights

Two EPA Region 8 Tribes successfully competed for Nonpoint Source Management Grants Under Clean Water Act (CWA) Section 319.

Key Message: The Southern Ute Indian Tribe (SUIT) and Confederated Salish & Kootenai Tribe (CSKT) were both selected for competitive awards of \$100,000. These selected proposals will fund the development and implementation of watershed-based plans designed to restore nonpoint source impaired waters.

- The goal of the CSKT proposal is to restore habitat and channel stability to approximately 5,000 feet of Cottonwood Creek drainage which is a tributary to Camas Creek and eventually drains into the Flathead River near Perma, Montana.
- The SUIT proposal addresses nutrient and sediment impairments in the Los Piños watershed through conducting a restoration project on Spring Creek, tributary to the Los Piños River

Region 9

Actions/Issues

Bissell: we've worked closely with Patrick Traylor, Nancy Beck, OECA and OPP colleagues to resolve questions regarding Bissell's FIFRA compliance, and will continue to support a path to resolution of this matter.

Edwards Air Force Base CERCLA dispute: I conferred with the director of California's Dept. of Toxics Substances Control (Barbara Lee) and the US Air Force Dep. Asst. Secretary (Mark Correll) regarding our upcoming dispute resolution meeting, which we are rescheduling for early August at the state's request.

California Water Quality Standards: next week I plan to approve California's new CWA mercury criteria and beneficial uses. We'll complete tribal and Endangered Species Act consultation with the USFWS and NMFS, with a strong scientific basis to be protective of human and animal exposures. In this package, the State is:

- adding mercury fish tissue criteria for sportfish, prey fish, subsistence fishing and fish consumed by the CA least tern (an endangered bird); and
- adding tribal beneficial uses, specifically tribal cultural uses and subsistence fishing.

Tesoro refinery consolidation: we informed the company their planned consolidation of two refineries in Los Angeles will not trigger CAA Prevention of Significant Deterioration permitting provisions, and advised the So. Coast Air Quality Management District that its two proposed title V permit revisions for the project comply with CAA requirements. There will be continued community interest in this consolidation, as with any notable refinery actions in metropolitan Los Angeles.

Public Engagement

Anaconda Mine, NV: next week, our management team will convene several meetings in rural Yerington with Nevada DEP, US BLM, BP (Atlantic Richfield), two tribes and local stakeholders to further refine draft agreements which would result in deferral of NPL listing of this site. These well-attended meetings are occurring monthly, in anticipation of full resolution of current issues (e.g. tribal jurisdiction) and signing of multi-party agreements by September. We've been keeping elected officials up-to-date.

Environmental Complaints: next Wednesday, I'll join a panel of state and local agency leaders in Los Angeles to discuss with community organizations how we all respond to and work together to address varied community complaints (odors, drinking water, air toxics, etc). The daylong workshop is hosted by the So. Coast Air Quality Management District, with a goal of improving our coordination and state/local complaint systems.

Mexican Border/Tijuana Spill: we stand ready to brief the Administrator in preparation for his late June CEC meeting with Canadian and Mexican counterparts, if wished. We recently briefed Ken Wagner during his second Region 9 visit.

Region 10

Hot Issues

Pace of Bunker Hill Superfund Site Cleanup (ID): Idaho's Shoshone and Kootenai Counties have drafted a joint letter to the EPA Administrator requesting that EPA accelerate the pace of cleanup at the Bunker Hill/Coeur d'Alene Basin site. A recent Wall Street Journal editorial cited Bunker Hill as one example of the slow pace of Superfund cleanups across the country. This summer, the Bunker Hill team plans to spend more than \$20 million on environmental cleanup work in the historic mining district, which will create about 400 jobs. Design and survey work will also begin on a planned \$48 million upgrade and expansion of the central wastewater treatment plant near the town of Kellogg.

Upcoming Public Events

Portland Harbor Public Information Session re: Draft Sampling Plan (OR): On June 27th, Region 10 staff will host a community meeting to present an update on the draft sampling plan for the Portland Harbor Superfund Site. The draft sampling plan is intended to: initiate the remedial design process under the Record of Decision; move PRP allocation efforts forward; gather updated information on site-wide conditions; and get in-water cleanup started as soon as possible. The presentation will also include a brief overview of other sampling and monitoring efforts that will occur during the cleanup process.

Alaska Climate Change Executive Roundtable: On June 29th, the Alaska Climate Change Executive Roundtable will meet in Anchorage. The State of Alaska and the USGS Alaska co-lead this group that works to coordinate science research among federal and state agencies, particularly related to Alaska's changing environment and adaptation considerations. The Alaska Department of Environmental Conservation Commissioner specifically asked for this meeting to be convened and Lieutenant Governor Mallot is scheduled to participate. Region 10's Alaska Operations Office Director will participate on behalf of EPA.

Brownfields Celebration on the Tualatin River (OR): On June 24th, Region 10 will attend the grand opening celebration of the Farmington Paddle Launch in Hillsboro, Oregon. The event is hosted by the Portland Area Metropolitan Service District (Metro) in coordination with the Tualatin Riverkeepers. Historic uses of the property left soil contaminated with lead, petroleum products and volatile organic compounds. Metro used \$176,000 from the Brownfields Revolving Loan Fund to help pay for the removal of nearly 1,800 tons of contaminated soil and 140 cubic yards of concrete debris. After cleanup, the property was combined with two adjacent parcels and redeveloped as a launch site for canoes, kayaks and other non-motorized boats to access the Tualatin River. This project completes the first part of the Tualatin River Water Trail, which calls for river access points every five miles.

Harmful Algae Training at EPA's Manchester Lab (WA): Region 10 will host two training workshops at the Manchester Laboratory on June 27th and 28th aimed at helping state, local and federal agencies identify harmful and toxic algae. USGS experts will be on hand to demonstrate techniques including hands-on microscopy and sampling. USGS will also provide a demonstration of toxin tracking kits for algal toxins, including a review of a pilot study for Oregon drinking water sources conducted in coordination with Oregon drinking water utilities. Lab tours will also be offered including a look at new technology at the lab for environmental monitoring and two new cyanoscope kits provided by Region 1 that are available to lend to environmental programs (for more info see cyanos.org).

Upcoming Major Decisions

NPDES Permit for North Idaho Correctional Institution Waste Water Treatment Plant (WWTP): Region 10 plans to issue a final NPDES permit for the NICI WWTP at the end of June. This is a minor lagoon facility owned by the State of Idaho and operated by the correctional facility. Nez Perce Tribal lands are downstream of the facility and the Tribe was offered formal consultation on the permit. The Tribe reviewed the permit and provided input which was incorporated in the final permit. The permit includes new limits for ammonia and a five-year compliance schedule to meet the limits. Region 10 received no comments on the draft permit during the comment period.

Washington State Performance Partnership Agreement: On June 27th the Washington State Department of Ecology Director and EPA Region 10 acting Regional Administrator, will sign the Washington PPA. The agreement establishes and implements a joint two year work plan for administering nearly \$20 million in federal grant dollars for air quality, water quality, and hazardous waste management.

Last Week Highlights

Granite Creek (OR) Mining Assessment: Region 10's Site Assessment Program has completed and released the Granite Creek Watershed Mining District Reconnaissance and Prioritization Report. The release of this report represents the culmination of a collaborative effort among the EPA, the U.S. Department of Agriculture, the U.S. Forest Service Pacific Northwest Region and the Oregon Department of Environmental Quality to address a key historic mining district which contained both large historic mining operations with known contamination and abandoned mines previously uncharacterized. USFS and ODEQ staff gathered critical information to help EPA design the sampling plan, provided staff to assist in the field effort, and provided review and key input on the final report.

Vancouver Water Station Closeout (WA): Last week Region 10 signed the final closeout report for a contaminated groundwater site in Vancouver, Washington that was added to the NPL list in 1992. The report documented that all remedial action objectives for the site have been met and that the site poses no unacceptable risks to human health or the environment. EPA's determination means that the City of Vancouver will no longer need to spend approximately \$360,000 per year on groundwater treatment and sampling.

Wetland Mitigation Bankers Meeting (OR): On June 21st, the Oregon Department of State Lands, U.S. Army Corps of Engineers and EPA Region 10 hosted a meeting of wetlands mitigation bankers and their agents in Salem, OR. Over the past several years, the agencies have been working together to transition from an acreage-based to function-based compensatory mitigation program in Oregon, to meet the goals of the 2008 USEPA/USACE Compensatory Mitigation for Losses of Aquatic Resources Final Rule. The purpose of the meeting is to ensure the mitigation banking community has a clear understanding of how the new statewide program will work and how it will apply to mitigation banking. With nearly 40 approved mitigation banks, Oregon has an active banking community with keen interest in the proposed transition.

Office of Administration and Resources Management

Hot Issues

Drug Free Workplace

Executive Order 12564 requires federal employees to refrain from the use of illegal drugs, whether on or off duty. It also directed agencies to implement plans for achieving the objective of a drug-free workplace. Such plans must include provisions for the random testing of employees in certain sensitive positions, known as Testing Designated Positions, for illegal drug use. By July 14, the 30-day notice to all employees identified as being subjected to random testing will be disseminated.

In accordance with the Executive Order and EPA plan, the Office of Human Resources will initiate random urine testing of employees in Testing-Designated Positions for illegal drug use during the fourth quarter of fiscal year 2017.

Upcoming Public Events

None

Upcoming Major Decisions

None

Last Week's Highlights

On January 17, 2017, the EPA issued Notices of Suspension to individual employees of the Michigan Department of Health and Human Services and the Michigan Department of Environmental Quality who are facing criminal charges in Michigan state court for alleged offenses related to elevated childhood blood lead levels due to Flint, Michigan, water. The suspension action was taken to protect the Government's business interests pending conclusion of their criminal proceedings. A suspension is a preliminary exclusion taken pending an investigation or legal proceedings to protect the government from business risks associated with entering into transactions with non-responsible parties.

Nancy Peeler, who is charged with misconduct in office, conspiracy, and willful neglect of duty, all in violation of Michigan law, contested her suspension. The EPA Suspension and Debarment Official issued a decision dated June 16, 2017, to continue the suspension pending completion of the ongoing criminal proceedings against Ms. Peeler.

Office of Air and Radiation

Upcoming Hot Issues and Important Deadlines

Proposed Rules under review at OMB:

- Municipal Solid Waste (MSW) Landfills New Source Performance Standards (NSPS) and Emission Guidelines (EG)
- Renewable Fuel Standard (RFS) 2018 Volumes
- Review of the Clean Power Plan

VW Settlement: During a June 27th status hearing, DOJ will provide an update to the court regarding progress on aspects of the VW settlement. DOJ will inform the court that the agency is close to finalizing the Trust Agreement with Wilmington Trust (the court-appointed trustee). The \$2.925 billion trust was created as a part of the VW settlement to fund state, territorial and tribal environmental projects that mitigate the excess air pollution caused by Volkswagen's violations. The agency expects the trust to be finalized as soon as July. Once the trust is finalized, U.S. states, Washington DC, Puerto Rico, and tribes must provide certification to Wilmington Trust within 60 days to be eligible to receive their share of the funds. We will notify states and tribes once the trust is finalized.

Upcoming Meetings, Public Events, or Other Public Releases

- **Energy Star Top Cities List:** On June 24-26, staff from OAR's Energy Star program plan to attend and present at the Building Owners and Managers Association (BOMA) conference in Nashville, TN. To support BOMA members' efforts to run their buildings more cost-effectively, staff will demonstrate the capabilities of Energy Star's Portfolio Manager to track waste, energy and water use for benchmarking purposes. On the 26th the annual Top Cities list – which ranks cities with the most Energy Star certified buildings – will be announced in coordination with BOMA and the cities on the list.
- **National Air Emissions Monitoring Study (NAEMS)/Office of Inspector General (OIG) Response:** On Monday, I will be responding to an OIG report on the NAEMS, which was a data collection effort to evaluate air emissions from animal feeding operations (AFOs).
- **Scientific Advisory Board (SAB) Meetings:** On June 29-30, OAR staff are participating in two SAB meetings. The first meeting, beginning on Thursday, June 29, will be a technical panel of the SAB providing peer review updates to EPA's Screening Methodologies to Support Risk and Technology Reviews (RTR): A Case Study Analysis. The second meeting is an SAB teleconference to discuss EPA planned actions in the Fall 2016 semi-annual regulatory agenda and their supporting science.
- **Montreal Protocol Meetings:** On July 3-14, OAR staff will participate as members of the US delegation, led by the Department of State, in meetings of the Montreal Protocol in Bangkok, Thailand. EPA staff will serve as technical experts on a variety of topics. On July 3-7, staff will attend the Meeting of the Executive Committee to the Multilateral Fund to consider phaseout management plans for ozone depleting hydrochlorofluorocarbons (HCFCs). On July 10, staff will participate in a one-day workshop on international safety standards. On July 11-14, staff will participate in the Open-ended Working Group (OEWG) meeting to consider a variety of topics including the safe use of alternative refrigerants, the next steps in the phaseout of ozone-depleting HCFCs, the next replenishment, and approval of technologies for the destruction of substances controlled by the Montreal Protocol.

Upcoming Decisions

- **For Administrator's Signature – Duke Energy Title V Petitions:** We have a June 30th court ordered deadline for responding to two Title V petitions (Duke Energy Asheville and Duke Energy Roxboro).
- **For Administrator's Signature - Phosphoric Acid Manufacturing and Phosphate Fertilizer Production Risk and Technology Review (RTR):** This final rule responds to two petitions for reconsideration filed by industry stakeholders on the RTR. The package is with OP for review.
- **For Administrator's Signature – Procedure 6 Technical Amendments:** This final rule makes technical amendments to Procedure 6 to resolve some minor inconsistencies between the initial proposal and final publication. (Procedure 6 specifies the minimum requirements necessary for control and assessment of the quality of continuous emission monitoring systems data submitted to EPA and used for hydrogen chloride emissions compliance determination at stationary sources). The package is with OP for review.
- **For Administrator's Signature – National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing; Flame Attenuation Lines:** This direct final rule and parallel proposal will extend the compliance date for flame attenuation (FA) lines at wool fiberglass manufacturing facilities. This is needed to respond to industry requests to review the data upon which the FA line emission limits, promulgated in July 2015, were based. The package is with OP for review.
- **For Administrator's Signature – Refrigerant Management Regulations for Small Cans of Motor Vehicle Refrigerant:** This direct final rule and parallel proposal corrects a potential conflict in a November 2016 final rule that updated EPA's refrigerant management regulations. The package is with OP for review.
- **Delegated to Office Director Level – Los Alamos National Laboratory (LANL) Baseline Inspection:** OAR is preparing a Federal Register (FR) notice announcing its proposed baseline approval at LANL for waste destined for disposal at the Waste Isolation Pilot Plant (WIPP). This decision is delegated to the Director of the Office of Radiation and Indoor Air. Once signed, the FR notice will be sent to OP. (Background: waste streams generated by DOE sites such as LANL must be characterized and meet the WIPP's Waste Acceptance Criteria (WAC). EPA must inspect and approve each site's radiological waste characterization program before it can be approved to ship waste to the WIPP).
- **Delegated to Office Director Level – Waste Isolation Pilot Plan (WIPP) Recertification:** OAR is preparing a Federal Register (FR) notice announcing it is recertifying that the WIPP continues to comply with the Agency's radioactive waste disposal regulations. This decision is delegated to the Director of the Office of Radiation and Indoor Air. Once signed, the FR notice will be sent to OP. Statutory deadline for completing this action is July 13, 2017. (Background: As mandated by Congress in the WIPP Land Withdrawal Act, DOE is required to submit a recertification application to EPA every five years following the initial receipt of waste at the WIPP until the end of its operational activities. This will be the third WIPP recertification by EPA).

Recap of the Past Week

- **Signed this week:**
 - Federal Register Notice announcing a one-year delay in the deadline for promulgating initial area designations for the 2015 Ozone National Ambient Air Quality Standards (NAAQS).

- Direct final rule and parallel proposal to extend the use of an alternative compliance monitoring method for hydrogen chloride in the National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry.
- **Continuity of Operations (COOP):** Four senior OAR representatives participated in Wednesday's COOP exercise.
- **OAR All Hands Meetings:** I held All Hands meetings with each of the OAR offices this week to update staff on VERA/VSIP opportunities.

Office of Chemical Safety and Pollution Prevention

Important Deadlines

Determination Type	Pending on 6/13/2017	Pending on 6/20/2017	Determinations Completed* as of 6/13/2017	Determinations Completed* as of 6/20/2017	Determinations Posted on Web as of 6/20/17
# of "not likely" determinations	4	4	87	87*****	87****
# of §5(e) Orders signed by both EPA and the submitter	-	-	198	206	196
# of §5(e) Orders signed by EPA and awaiting submitter signature	62	62	-	-	-
# of cases in Order development process	262	257***	-	-	-
# of cases flagged for in-depth review	82	82	-	-	-
# of PMNs, SNUNs and MCANs awaiting FOCUS (within 90-day review)	22	20	-	-	-
# of LVE/LOREX exemption grants	-	-	387	387	387*****
# of LVE/LOREX exemption denials	-	-	100	99	87*****
Total number of cases	432**	425**	772	779	-
Backlog	132	125	-	-	-

* "Determinations Completed" means that EPA has completed its review and final determination has been made under TSCA section 5(a)(3).

** Of these cases, approximately 300 cases are the normal active workload for the New Chemicals Program.

*** Of these cases, approximately 94 are lung toxicity cases that are suspended while EPA conducts its evaluation of these types of effects.

**** "Not Likely" determinations are not posted until the final determination document is prepared and has been shared with submitter.

***** Previous editions of this table included cases for which either an interim or a final determination of "not likely" had been made. This edition only includes cases for which a final determination has been made.

***** Different criteria had been used in editions of this table prior to May 23, 2017, for the counting of exemptions for "determinations completed" and "determinations posted." These have now been standardized.

Hot Issues

Formaldehyde Labeling Direct Final Rule

OCSPP plans to soon issue a direct final rule to amend the formaldehyde rule to allow early labeling of compliant composite wood products. This will reduce the unnecessary burden for panel producers, fabricators,

distributors and retailers who want to roll out compliant inventory prior to the rule's compliance date. Another direct final rule will update several voluntary consensus standards referenced in the final rule.

Upcoming Public Events

June 27 – A number of senior leaders in OCSPP and OPPT will be participating in an all-day event hosted by the Environmental Law Institute and George Washington University Milken Institute School of Public Health program called “TSCA Reform - One Year Later.” The program is intended to explore current issues surrounding the implementation of the amendments to TSCA, and will convene various leaders of the legal and environmental communities.

Last Week Highlights



On June 22, EPA issued a press release highlighting achievements and progress made in implementation of the amendments to the Toxic Substances Control Act (TSCA) to date, including the release of three final “framework” procedural rules, 10 scope documents for the initial set of chemicals undergoing risk evaluation, and a guidance document for persons interested in developing draft risk evaluations, all of which were required to be issued in one year following enactment. The date marked the one-year anniversary of amendments to TSCA.

On June 23, the Administrator signed notices of EPA’s intent to disapprove state-issued Special Local Needs registrations for use of several pesticides on cannabis crops grown in California, Nevada, Vermont, and Washington. While EPA has not identified any significant risks to human health or the environment from these pesticides, the Agency is notifying states that it intends to disapprove state registrations of pesticides for the purpose of growing a crop that is illegal under federal law. The states may request consultation with EPA within 10 days of receipt of the notices.

Office of the Chief Financial Officer

Hot Issues

N/A

Upcoming Public Events

N/A

Upcoming Major Decisions

OCFO Policy Leader is completing review of the draft FY 2018-2019 National Program Manager Guidances from OAR, OW, OLEM, OCSPP, OECA, OITA, OEI and OCIR for June 28 posting on EPA's website for public comment. These draft guidances will align with the FY 2018 President's Budget and provide programmatic activities and measures for EPA regions, states and tribes that inform state-EPA grant work planning. OCFO is participating in joint ECOS/EPA meetings with OAR, OLEM, OECA, and OW in July to engage NPM/State dialogue on draft guidances. ***Decision: OCFO Policy Leader review and NPM revisions as needed, to support issuance of Draft Guidances for one-month public comment period beginning on June 28.***

EPA's draft FY 2018-2022 EPA Strategic Plan framework is due to OMB by June 30. Following submittal to OMB, the agency will need to: 1) develop the full draft Strategic Plan, including narratives and performance measures, 2) identify applicable Agency Priority Goals to advance top priorities, and 3) assess risks to achieve the strategic goals and objectives outlined in the draft framework. ***Decision: With general approval of the straw framework earlier this week, OCFO Policy Leader is working with the Office of Public Affairs to finalize and then get final Administrator approval to meet OMB's June 30 deadline and move the development process forward.***

OCFO is developing a proposed agenda for the July 19 planning and budget session that is part of senior leadership meeting. The purpose of the planning and budget session is to inform strategic direction to include programmatic and resource allocation decisions for the agency. ***Decision: Policy Leaders feedback regarding agenda will be used to finalize agenda.***

Last Week Highlights

Last Tuesday (June 20) OCFO issued two separate memorandums launching training for two related upcoming system improvements – PeoplePlus Enhancements and Payroll Cost Allocation – to be implemented this fall. All employees should register and complete the PPlusE training. Others are asked to complete additional role-specific training relevant to their job duties for both. More communications, such as *This Week @ EPA Newsletter* articles, are planned to stress the importance of these trainings.

Other

OCFO will prepare the FY 2018 President's Budget Fact Sheets and related materials, as needed, for the Administrator's hearing with the Senate Appropriations Committee on June 27, incorporating feedback from the Policy Team and addressing incoming Senate polling topics.

The E-Enterprise team will be participating in upcoming regional/state meetings (dates listed below) to discuss establishing “E-Enterprise Regional Coordinators.” These sessions further the objectives of sharing and providing feedback on the role and responsibilities of the regional position.

- R8: June 28-29
- R7: July 11-12
- R6: August 8
- R10: August 17
- R3: August (date TBD)

Office of Congressional and Intergovernmental Relations

Upcoming Hot Issues and Important Deadlines

June 27 – Senate Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies will hold a hearing on President’s FY 2018 Budget. Administrator Pruitt will testify.

TBD - Senate Environment and Public Works Committee Hearing on the President’s FY 2018 Budget – Agency witness: Administrator Pruitt

Upcoming Events

- June 22 – June 28 Ken Wagner, Senior Advisor to the Administrator for Regional and State Affairs will visit John Stine, President of ECOS and visit Region 8 *All States* meeting.
- June 23 – June 26 – US Conference of Mayors will convene its 85th Annual Meeting in Miami Beach, FL, June 23 – 26. Mayor Mick Cornett (Oklahoma City, OK), President, will preside. Tate Bennett will engage with groups of key mayors on Friday, June 23 for dialogue on WOTUS and Superfund.
- June 26 - Call scheduled for Sen. Harris’ office to provide an update on the EPA’s work with the Arctic Council on black carbon.
- June 27 - Senate Committee on Environment and Public Works Subcommittee on Clean Air and Nuclear Safety will hold a subcommittee hearing entitled, “Developing and Deploying Advanced Clean Energy Technologies.”
- June 28 – Joint Subcommittee on Energy and Subcommittee on Research and Technology Hearing- Material Science: Building the Future
- July 6 – Call scheduled with Sen. Corker’s office to discuss the Iris Glen Natural Gas facility with program staff in OTAQ

Past Week Accomplishments

- June 12 – 21 Ken Wagner, Senior Advisor to the Administrator for Regional and State Affairs attended Region 5 *All States Meeting* and visit the state of Arkansas, Texas, and New Mexico with Acting Regional Administrator Sam Coleman.
- June 21 – EPA met with Mayor Pro Tem Michael Johnson and Council Member William Morgan to discuss Brownfields and WIFIA. The city needs guidance as it considers applying for Brownfields support on its own rather than as part of the Centralina Council of Governments.
- June 21 - Shale Gas Caucus held a call to discuss ideas for Phase 3 of the SGC, which will focus on cross-media advances in technology to launch at the ECOS Fall Meeting
- June 21 - DAA Bangerter, along with Headquarters Office of Brownfields and Land Revitalization, Office of Water, and Region V staff, met with Planning District representatives concerning a number of priority issues: Brownfields Clean-up and Redevelopment
- June 21 - On Wednesday, June 21, per an invitation from Representative Josh Gottheimer (NJ-5), EPA met with mayors from the congressman’s district. This is an annual forum that allows for representatives of Federal Agencies to engage with the mayors. Agencies included: DOT; the Department of Commerce; FEMA; and, the Office of National Drug Control Policy, Executive Office of the President.
- June 22 - Gold King Mine general update for Colorado and New Mexico congressional delegations

- June 22- TSCA reform first anniversary w/OCSPP

Ongoing Activities

- Managing the confirmation process for the nominee for the Assistant Administrator, Office of Enforcement and Compliance Assurance, Susan Bodine. Organized and attended several member meetings. Working closely with the program office to answer QFR's.
- Working with ECOS on planning the upcoming ECOS Leadership meeting scheduled for July 18th.
- Continue to coordinate responses to multiple oversight letters, congressional and gubernatorial correspondence, and FOIA requests. We closed out 34 letters during the previous two weeks.

Office of Enforcement and Compliance Assurance

Hot Issues

VW Settlement: During a June 27th status hearing, DOJ will provide an update to the U.S. District Court (N.D. Calif.) regarding progress on aspects of the VW settlement. DOJ will inform the court that the agency is close to finalizing the Trust Agreement with Wilmington Trust (the court-appointed trustee). The \$2.925 billion trust was created as a part of the VW settlement to fund state, territorial and tribal environmental projects that mitigate the excess air pollution caused by Volkswagen's violations. The Agency expects the trust to be finalized as soon as July. Once the trust is finalized, the states, District of Columbia, Puerto Rico, and tribes must provide certification to Wilmington Trust within 60 days to be eligible to receive their share of the funds. Once the trust is finalized, we plan to notify states and tribes.

California Proposing to Delay Edwards Air Force Base Formal Dispute Senior Executive Committee Meeting

[San Francisco, CA]: California is proposing to delay the Senior Executive Committee (SEC - EPA R9 RA, California, Air Force) meeting for the Edwards Air Force Base South Air Force Research Laboratory Dispute that was originally scheduled for June 26, 2017. California would like to delay the meeting until August, after the State has issued its draft perchlorethylene (PCE) standard. The Air Force and EPA have agreed to the delay. The purpose of the next meeting is to discuss the status of the dispute and options for dispute resolution. If the SEC cannot reach resolution, the dispute could re-activated and elevated to the Administrator by a member of the SEC.

Edwards is a Superfund National Priorities List site that has a 1990 CERCLA 120 Agreement (FFA) in place signed by EPA, California and the Air Force. In 2015, the Air Force invoked dispute resolution in accordance with the FFA over the proper PCE cleanup level for one of the operable units. California wanted to apply its PCE standard, while the Air Force argued that EPA's standard should apply. In January 2016, resolution of this dispute was deferred by the Administrator for 15 months to allow California the opportunity to develop its PCE standard as a possible regulatory requirement that EPA would apply.

Upcoming Public Events

EPA, State, and Academic Partnership to Foster Innovative Compliance Strategies: EPA, States and academics are partnering to research how social science and research methods can improve the effectiveness of environmental programs in fostering compliance. OECA and the Environmental Council of the States (ECOS) will host a series of webinars – the first one is this Tuesday - designed for States and EPA program managers to identify opportunities for engagement and collaboration, as well as to provide examples of how social and behavioral science findings have informed public health efforts. Academics will share information on social science and best practices for compliance effectiveness strategies, followed by a discussion about how innovative pilots in States and EPA can test new ways to improve compliance outcomes.

Upcoming Major Decisions

*Case-specific deadlines are noted in our Daily Enforcement Report to Ryan Jackson.

Last Week's Highlights

Senior Enforcement Managers Meeting: Regional Enforcement Directors, Regional Counsels, and several Acting DRAs joined OECA HQ senior managers this week for an annual meeting on compliance and enforcement. The meeting focused on two overriding themes: (i) expanding the use of compliance assistance and compliance assurance tools, and (ii) strengthening joint planning and partnership with the States on compliance and enforcement matters. On the latter topic, the group met with Alexandra Dunn, Executive Director of ECOS, to discuss ways to enhance the State/EPA collaboration. Representatives from the Department of Justice also joined for a session to discuss the important EPA-DOJ partnership.

Criminal Clean Air Act Sentencing: This week, a licensed smog check technician with a South Los Angeles smog check business, was sentenced in the Central District of California for his role in circumventing the Southern California smog check program. (Other defendants are awaiting sentencing or a trial for this matter.) The federal Clean Air Act (CAA) gives primary responsibility for meeting “ambient air quality” standards for pollutants such as ozone, lead, sulfur dioxide and carbon monoxide to the States. As part of California’s plan to meet these air quality standards, the State’s Bureau of Automotive Repair oversees a vehicle inspection program that requires many vehicles in the State – and in the Los Angeles metropolitan area, where ozone pollution is particularly severe – to undergo an emissions test commonly called a smog check. The CAA prohibits a person from knowingly making false statements and certifications in relation to programs mandated under the CAA, which includes the California smog check program.

The defendant engaged in a form of fraudulent smog testing known as “clean piping.” To do this, the defendants entered vehicle identification information into the smog testing equipment, known as the Emissions Inspection System (EIS), to make it appear that a particular vehicle was being tested, but then performed the emissions test on a second substitute vehicle to obtain a passing result for the vehicle that was not actually tested. Nearly all of the vehicles supposedly being tested were not even at the testing station. Once the fake tests were completed, the defendants caused fraudulent Certificates of Compliance to be submitted to California’s Vehicle Information Database, falsely certifying that vehicles passed the smog checks when they were never tested. The defendants performed more than 1,300 fraudulent smog checks while employed at the business.

This case was brought to EPA’s Criminal Investigations Division by officials with California’s Bureau of Automotive Repair who participated in the investigation from its inception. The Los Angeles County Sheriff’s Office and the Federal Bureau of Investigation also participated in the investigation.

Office of Environmental Information

Hot Issues

NA

Upcoming Public Events

NA

Upcoming Major Decisions

NA

Last Week's Highlights

Headquarters Blanket Purchase Agreement for Captioning Services

- **Brief description:** The Section 508 Program is working with the Headquarters Sign Language Interpreting Services Coordinator to discuss the process of using their existing blanket purchase agreement (BPA) for purchasing captioning services.
- **Who benefits or cares:** Section 508 Liaisons, program offices, communications staff, webinar participants and the deaf and hard-of-hearing community
- **Why this is important:** This BPA is available for all Headquarters offices and will provide an efficient and cost effective way to help offices caption live webinars in Adobe Connect.
- **Additional information:**
 - Section 508 of the Rehabilitation Act of 1973, as amended, require Federal agencies to make their electronic and information technology (EIT) accessible to people with disabilities.
 - Accessible webinars can be recorded and posted online for future use by the U.S. Environmental Protection Agency (EPA) staff.
 - Providing captioning for all online media, including internal training, is required for compliance with the Section 508 Standards.

Office of General Counsel

Hot Issues

- The Supreme Court is expected to issue an order on Monday, June 26, regarding the American Municipal Power cert. petition asking the Court to review the D.C. Circuit's July 2016 decision upholding EPA's approach to malfunction events in setting emissions standards for hazardous air pollutants for the major and area source boilers source categories under section 112 of the Clean Air Act. The Court is scheduled to consider that petition at the conference held on June 22 and orders from that conference will be released at 9:30am on Monday, June 26th. The Court could grant the petition, deny the petition, or relist the petition and make a decision at a later date. A few bullets describing the petition are attached.
- The U.S. Army Corps' of Engineers has been ordered to reexamine its Environmental Assessment (EA) in support of its recently issued Dakota Access Pipeline decision. On June 14, 2017, the U.S. District Court for the District of Columbia remanded the EA to the Corps on two grounds. First, the court held that the Corps' EA was inadequate because it lacked "any acknowledgment of or attention to the impact of an oil spill on the [Standing Rock Sioux] Tribe's fishing and hunting rights." Second, the court held that the Corps "did not properly consider the environmental justice implications of the project and thus failed to take a hard look at its environmental consequences." The court has requested briefing on whether to remand the EA with or without vacatur.
- Parties whose administrative tort claims relating to the Gold King Mine incident were denied on January 12, 2017, must file suit in district court by July 12, 2017, if they want to challenge the denial. EPA may lose jurisdiction to reconsider these claims once this date passes.

New Judicial Decisions

- Favorable decision on June 16, 2017, granting EPA's motion to dismiss mandatory duty claims brought by Charleston Sanitary Board (CSB) seeking to compel EPA approval of site-specific copper criteria for the Kanawha River. The Court rejected CSB's argument that positive statements from EPA in pre-decisional correspondence with the state constituted a determination that the criteria met CWA requirements and therefore triggered a mandatory duty to approve. The decision leaves intact CSB's APA claims; however, recent factual developments have created the possibility that the case may be resolved through agreement of the parties or a new motion to dismiss based on mootness.

New Complaints Filed

- Four new FOIA cases:
 - Litigation concerning a multi-part FOIA request submitted by American Oversight to EPA seeking all communications between a list of EPA high level officials (including Administrator) and Congress, trade groups, think tanks, and pesticide manufacturers. The FOIA request also seeks any decision memoranda and attachments associated with EPA's decision to deny the petition to ban Chlorpyrifos. The complaint alleges that EPA failed to respond to the request within the statutory time frame. The request is currently assigned to the Office of the Administrator, Office of Executive Secretariat.
 - Litigation concerning a FOIA request submitted by Judicial Watch to EPA seeking all internal emails or other records explaining, or requesting an explanation of, the EPA's decision to claim that the Clean Power Plan would prevent between 2,700 to 6,600 premature deaths by

2030. The complaint alleges that EPA failed to respond to the request within the statutory time frame. The request is currently assigned to the Office of Air and Radiation.
- Litigation concerning a FOIA request submitted by Judicial Watch to EPA seeking all internal emails or other records concerning project administration, management, or assignment of tasks related to the EPA's use of the Thunderclap social media platform. The complaint alleges that EPA failed to respond to the request within the statutory time frame. The request is currently assigned to the Office of the Administrator, Office of Public Affairs.
 - Litigation concerning a FOIA request submitted by Environmental Integrity Project (EIP) to EPA seeking records pertaining to EPA Administrator Pruitt's meetings with outside parties and records of travel vouchers or expenses for the Administrator. The complaint alleges that EPA failed to respond to the request within the statutory time frame. EPA provided some, but not all, responsive records prior to the filing of the complaint. The request is currently assigned to the Office of the Administrator.
 - In a prior suit brought by the Gulf Restoration Network (GRN), the court held that the Alabama and federal trustees (including EPA) for the Natural Resource Damage funds from the BP oil spill had violated the National Environmental Policy Act (NEPA) and the Oil Pollution Act (OPA) by using Natural Resources Damage Assessment (NRDA) funds for the construction of a coastal convention center and hotel before conducting a full alternatives analysis. The court permanently enjoined the use of NRDA funds on that project until NEPA and OPA requirements had been met. GRN now claims that the federal trustees and Alabama violated both NEPA and OPA by continuing to fail to consider an adequate range of alternatives and by failing to adequately quantify and assess the project's benefits relative to other proposed projects. Additionally, GRN claims that the trustees violated OPA by failing to demonstrate how the project compensates the public for the loss of services from natural resources and that they violated NEPA by predetermining the outcome of the NEPA analysis. GRN is seeking: (1) declaratory relief establishing that the federal trustees violated NEPA and OPA; (2) vacatur of the relevant portions of the Record of Decision; (3) a court order that the federal trustees withdraw project approval; (4) injunctive relief prohibiting the federal trustees and Alabama from continuing the project until the federal trustees comply with NEPA and OPA; (5) attorney's fees; and (6) any other relief that is proper.

Other Highlights from Last Week

- Progress was achieved on the Global Alliance to Eliminate Lead Paint: (1) Draft Guidance and Model Law for Regulating Lead Paint posted for public comment on U.N. Environment Programme's website; (2) U.S. government proposed a draft resolution to be adopted by the U.N. Environment Assembly in December supporting the Global Alliance's goal that all countries regulate lead paint; (3) Resolution proposed for American Bar Association House of Delegates vote in August in support of the Global Alliance and urging national governments to adopt measures to control the risks of lead paint; and (4) the Commerce Department decided to feature lead paint standard setting in its international trade workshop for countries in Central Asia (lead attorney: Bob Ward).
- On June 15, 2017, EPA and DOJ finalized a settlement agreement to resolve the *American Chemistry Council (ACC) v. EPA*. The parties reached a settlement in principle in October 2016 and, after OMB review, the Clean Air Act 113(g) public comment process began on December 19, 2016 and concluded on January 18, 2017. The settlement agreement establishes dates for EPA to propose (July 20, 2017)

and finalize (January 18, 2018) its reconsideration of certain rule provisions related to pressure relief devices to ensure that this reconsideration will be complete before these provisions become effective in March 2018. The settlement agreement provides that ACC will dismiss their case once EPA finalizes a reconsidered rule, but does not prescribe specific terms or language for the proposed or final reconsidered rule.

- OGC's Employment Law Practice Group held an informational training for OIG Special Agents on the administrative discipline process in the federal workplace. This training is part of a broader initiative to work more effectively and collaboratively with the OIG on matters of employee conduct. GAO and the House Oversight and Government Reform Committee have recognized EPA's efforts in this area as best practices to be modeled across the government.

Upcoming Public Events & Important Meetings in the Next Two Weeks

6/23 Day two of the OGC- Office of Regional Counsel in person meeting.

Upcoming Major Deadlines in the Next Two Weeks

- 06/26 The Government's Opposition to Plaintiffs' Motion for Summary Judgment is due in *Public Citizen, et al. v. Trump, et al.* where plaintiffs' allege that EO 13771 violates: (i) separation of powers, (ii) the "take care" clause, and (iii) existing statutory directives by requiring ultra vires considerations in rulemakings; moreover, plaintiffs also allege that the OMB guidance is arbitrary and capricious
- 06/28 Motion to Govern Further Proceedings due in *Biogenic CO2 Coalition v. EPA*, a case challenging the EPA's endangerment finding for GHG from aircrafts
- 06/28 EPA's Response to EIP's Motion for Summary Judgment is due in *EIP, et al. v. Pruitt*, a CAA Title V deadline suit alleging failure to respond to petition to object to Title V Petition
- 06/28 Answer is due in *Center for Biological Diversity v. EPA*, a case concerning two FOIA requests submitted to EPA in February 2017 requesting (1) all correspondence to or from Scott Pruitt, and (2) all calendars, schedules and travel itineraries for Scott Pruitt; EPA declined to process the first request as improper, for failing to describe the requested records and because the request would be unduly burdensome
- 06/28 The Administrative Record is due in *Pineros y Campesinos Unidos, et al. v. EPA*, a challenge to EPA's deferral of the effective date for the pesticide applicator rule
- 06/28 Hearing in *Upper Missouri Waterkeeper v. EPA*, a challenge to EPA's approval of MT variance for nutrients
- 06/29 Answer due in *Energy & Environment Legal Institute v. EPA*, litigation concerning a FOIA request seeking information from specific EPA officials showing communications with IARC, CARC and named individuals concerning glyphosate, over a limited, specified date range

- 06/30 Response to petitions to object to Title V permits for Duke Energy Progress' Asheville and Roxboro power plants in North Carolina is due in *Sierra Club v. Pruitt*
- 06/30 Sign a notice of proposed rulemaking to approve a regional haze SIP or promulgate a regional haze FIP for Louisiana in *Sierra Club v. Pruitt*, a complaint alleging the EPA failed to perform a non-discretionary duty to promulgate a FIP within two years of EPA's partial disapproval of Louisiana's Regional Haze SIP
- 06/30 Joint Stay Ends in *Drummond Company, Inc. v. EPA*, a FOIA litigation involving three requests: (1) R4 request that sought records related to EPA's determination that plaintiff Drummond is a PRP at the 35th Ave Superfund Site; (2) R4 request that sought an NGO's petition for CERCLA preliminary assessment in Tarrant, AL.; and (3) HQ/OCR request that sought two Title VI civil rights complaints and related records
- 06/30 The Parties' proposed remedy is due in *NWEA v. EPA*
- 07/01 321(a) evaluation of coal mines and power plants due in *Murray Energy Corporation, et al. v. EPA*, where the complaint alleges that EPA has failed to perform a non-discretionary duty under Section 321(a) of the CAA
- 07/04 Report due to Congress on "the details and timeline" for the Agency's efforts to "explore all legal and financial recourses that could compensate individuals" for damages related to Gold King Mine incident
- 07/07 EPA's summary judgment brief is due in *Marquette Ct. Rd. Comm'n v. EPA*, a challenge to EPA's objection to proposed dredge and fill permit in Michigan

Office of International and Tribal Affairs

Hot Issues

G20 Preparatory Meeting: The NSC convened in an interagency meeting this week as part of the final preparations for the G-20 Leaders Summit, which will take place on July 7-8 in Hamburg, Germany.

- The Summit will include discussions on the world economy, terrorism, health, development, women empowerment, and climate and energy. POTUS will also hold bilateral meetings with G20 partners.
- Germany has not yet shared the draft communique language on climate and energy, but the NSC indicated that the U.S. will seek a consensus approach. We provided a readout of the G7 Environment Ministers Meeting.
- The G20 draft communique also includes language on resource efficiency and marine litter, which were topics in the G7 meeting.
- The NSC may convene an Economic Deputies meeting prior to the Summit, and following the Summit, the Cabinet may be asked to include messaging on G20 progress.

Upcoming Engagements

- Commission for Environmental Cooperation (CEC) Council Session with Canada and Mexico on June 27-28.

Past Week Accomplishments

State/Tribal Partnership: EPA (OITA and OLEM) worked with ECOS and the National Tribal Caucus to develop a proposal which would facilitate a dialogue between states and tribes and share best practices to improve the management of solid waste management on rural and tribal lands. Under the proposal, ECOS would:

- Bring together EPA, state, and tribal environmental agency leaders to discuss common rural waste management and disposal issues and strategies to address them;
- Conduct a study on projects that create productive state and tribal partnerships and can be replicated by others, including case studies and best practices for creating successful relationships in managing rural and tribal waste.
- Plan educational calls and/or webinars for waste management officials representing EPA, states, and tribes;
- Create and disseminate a report containing case studies, successful practices, and helpful resources based on these calls and dialogue.

SelectUSA Investment Summit: EPA (OITA and OECA) participated in the SelectUSA Investment Summit this past week. SelectUSA is a program run by the International Trade Administration to promote foreign direct investment in the United States.

- The event convened state and regional economic development organizations, potential foreign investors, and over 15 U.S. government agencies.
- Secretaries Mnuchin and Ross spoke at the event and emphasized the importance of tax and regulatory reform to drive business investment in the U.S.
- EPA interacted with potential investors and fielded questions related to regulations, branding, and other issues.

Office of Land and Emergency Management

Hot Issues

1. **National Priorities List (NPL), package of proposed sites and final sites.**
2. **CCR State Permit Program Guidance.**
3. **Gold King Mine Reimbursement Report to Congress.** We are finalizing a report to Congress on reimbursements to states, tribes, and local governments, as required by the final FY 2017 appropriations act's report language.
4. **Superfund Report to Congress.** EPA's annual report to Congress providing a list of sites and information about sites where additional work is required is pending transmittal.
5. **Clean Air Act 112(r) Risk Management Program Rule.** The final rule to extend the RMP rule's effective date to February 19, 2019, was published in the Federal Register on June 14. On June 15, Earthjustice filed a petition for judicial review of the RMP Delay Rule on behalf of 13 advocacy groups (*Air Alliance Houston et al. v. EPA et al.*).
6. **CERCLA 108(b) Financial Assurance Rulemaking.** The comment period ends on July 11, 2017. Pursuant to a judicial order on consent, a notice of EPA's final action will be signed by December 1, 2017.

Upcoming Public Events

- **2017 Brownfields Conference.** Following up on oral discussions, we've submitted the request for the Administrator to deliver the keynote address at the 2017 Brownfields Conference on December 5, 2017, in Pittsburgh.
- **Federal Green Challenge.** On June 28, we plan to announce the Federal Green Challenge award winners and their achievements from FY2016. Thank you to OPA for helping with the communications plan and press release.

Upcoming Major Decisions

- **National Priorities List package of proposed and final sites.**

Last Week Highlights

- **Eagle Horizon Continuity of Operations (COOP) National Exercise.** Yesterday (June 21), we conducted the Headquarters National Continuity Program Exercise. The Headquarters COOP Emergency Relocation Group (ERG) deployed, and exercised an earthquake scenario involving devolution to Region 8. Thank you for senior participation from OAR, OARM, OCFO, OCSPP, OECA, OEI, OGC, OIG, OITA, ORD, OW, Region 8, and OA (including the AO, OPA, and OHS).
- **All Appropriate Inquiries (AAI) Rule.** The proposed and direct final rules to amend the AAI rule were published in the Federal Register on June 20.
- **VERA/VSIP.** We held two all-hands meetings for OLEM staff members today.

Office of Policy**Documents Sent to the OFR (Week of June 12)**

9963-81-Region 3	Air Plan Approval; Delaware; Infrastructure Requirements for the 2012 Fine Particulate Matter Standard; Extension of Comment Period; Availability of Data
9963-86-Region 9	Approval of California Air Plan Revisions, Western Mojave Desert, Rate of Progress Demonstration
9963-79-Region 9	Approval and Promulgation of Air Quality Implementation Plans; Nevada; Rescission of Visibility Protection Federal Implementation Plan for the Mohave Generating Station
9963-67-OAR	Correction to Incorporations by Reference
9963-26-OAR	Allocations of Cross-State Air Pollution Rule Allowances from New Unit Set-Asides for the 2017 Compliance Year
9962-04-Region 5	Proposed De minimis Settlement with Sunoco (R&M), LLC at Lammers Barrel Site in Beavercreek, Ohio
9960-34-Region 7	Proposed Administrative Cost Recovery Settlement under Section 122(h) of the Comprehensive Environmental Response Compensation and Liability Act, as amended, 42 U.S.C. 9622(h), Beatrice Former Manufactured Gas Plant Superfund Site, Beatrice, Nebraska
9958-46-OLEM	Amendment to Standards and Practices for All Appropriate Inquiries Under CERCLA
9958-47-OLEM	Amendment to Standards and Practices for All Appropriate Inquiries Under CERCLA
9962-95-OAR	Alternative Method for Calculating Off-cycle Credits under the Light-duty Vehicle Greenhouse Gas Emissions Program: Applications from BMW Group, Ford Motor Company, and Hyundai Motor Group
9963-11-ORD	Ambient Air Monitoring Reference and Equivalent Methods: Designation of One New Reference Method and One New Equivalent Method
9963-45-Region 10	Re-Proposal of an NPDES General Permit for Offshore Seafood Processors in Federal Waters off the Washington and Oregon Coast (Permit Number WAG520000)
9963-44-OAR	Notice of Final Approval for an Alternative Means of Emission Limitation at Chevron Phillips Chemical Company LP
9963-62-Region 5	Notice of Determination of Adequacy of Michigan's Research, Development and Demonstration (RD&D) Permit Provisions for Municipal Solid Waste Landfills (MSWLF)
9963-63-Region 5	Notice of Determination of Adequacy of Illinois' Research, Development and Demonstration (RD&D) Permit Provisions for Municipal Solid Waste Landfills (MSWLF)
9963-64-Region 5	Notice of Determination of Adequacy of Minnesota's Research, Development and Demonstration (RD&D) Permit Provisions for Municipal Solid Waste Landfills (MSWLF)
9960-39-Region 9	Approval of California Air Plan Revisions, Mojave Desert Air Quality Management District, Northern Sierra Air Quality Management District, and San Diego County Air Pollution Control District
9960-40-Region 9	Approval of California Air Plan Revisions, Mojave Desert Air Quality Management District, Northern Sierra Air Quality Management District, and San Diego County Air Pollution Control District

9963-24-OA	Notification of a Public Teleconference and Public Meeting of the Science Advisory Board Chemical Assessment Advisory Committee Augmented for the Review of EPA's draft Ethyl Tertiary Butyl Ether (ETBE) and tert-Butyl Alcohol (tert-butanol; tBA) Assessments
9963-39-OAR	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Stay of Certain Requirements
9963-43-Region 9	Approval of Nevada Air Plan Revisions, Clark County Department of Air Quality and Washoe County Health District
9963-78-Region 9	Proposed Approval of California Air Plan Revisions, South Coast Air Quality Management District (SCAQMD)
9963-82-OAR	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Three Month Stay of Certain Requirements

Office of Research and Development

Last week I attended two meetings – the Working Party on Hazard Assessment and the Extended Advisory Group on Molecular Screening and Toxicogenomics (which I co-chair) – at the OECD in Paris, and it was heartening to see the growing acceptance for New Approach Methodologies (essentially our work in computational toxicology) as regulatory agencies around the world began to grapple with dealing with the large numbers of lower production, data poor chemicals. Quite a change in attitude over the past several years, and an area that EPA is the recognized international leader. It was also good to get back to work and meet Richard Yamada this week and assist with his immersion in the activities of ORD. I hope we don't drown him with all the briefings we are giving him, but there is just a lot for him to experience.

Hot Issues

Lead in Drinking Water Request for Applications

The National Priorities: Transdisciplinary Research into Detecting and Controlling Lead in Drinking Water Request for Applications (RFA) is anticipated to open next week. This RFA seeks applications supporting research to (1) identify communities that are at a high risk of experiencing the adverse health effects of lead in drinking water; (2) identify opportunities to mitigate these risks; and (3) conduct educational and outreach efforts so that water system managers and the general public are aware of these risks and opportunities. The RFA will be open for 45 days.

ORD Provides Technical Support to Region 4 and North Carolina in GenX Analyses

ORD is providing technical support to Region 4 and the North Carolina Department of Environmental Quality (NCDEQ) in relation to GenX, a type of polyfluoroalkyl substance (PFAS) used as a replacement for PFOA and found in source and finished drinking water in Wilmington, NC. The finding of GenX was reported in an ORD journal article titled “[[HYPERLINK "http://pubs.acs.org/doi/abs/10.1021/acs.estlett.6b00398"](http://pubs.acs.org/doi/abs/10.1021/acs.estlett.6b00398)]” published in November 2016. Researchers were able to identify and measure GenX in drinking water along with other PFCs. The average concentration of GenX in finished drinking water was found to be 631 nanograms per liter. PFOS and PFOA were also measured and found to be below EPA's health advisory level of 70 nanograms per liter. ORD researchers are working to identify and quantify additional PFAS found within samples to inform exposure, risk, and public health priorities.

New Federal Reference Methods and Federal Equivalent Methods Approved

A core element of ORD's Emissions and Measurements program is designating Federal Reference Methods (FRMs) and Federal Equivalent Methods (FEMs) for measuring criteria pollutants in ambient air. These measurements are used to inform attainment/nonattainment decisions and for a wide range of analyses. A new FRM for carbon monoxide (CO) and one new FEM for nitrogen dioxide (NO₂) were recently designated by ORD. Designation of these reference and equivalent methods is intended to assist the States in establishing and operating their air quality surveillance systems.

Upcoming Public Events

Region 8 Regional Tribal Operations Committee/EPA Tribal Science Council Joint Meeting

Rapid City, SD, June 20-22. ORD is participating in this meeting, which will include a panel discussion on lead to promote the exchange of scientific information on the topic. This will enhance communications between EPA

and Tribal Science Council Tribal caucus representatives on the priority issue of lead and the impact of lead deposition on communities, including Native American communities.

External peer review for report on modeling drinking water lead benchmark levels

On June 27 and 28, OW is hosting the [[HYPERLINK "https://projects.erg.com/conferences/peerreview/register-lead-drinkwater.htm"](https://projects.erg.com/conferences/peerreview/register-lead-drinkwater.htm)] in Washington, D.C. To review the three EPA modeling approaches proposed in the document and discuss the expert's comments on the charge questions. EPA is seeking comments on the scientific aspects of these potential modeling approaches to associate lead in drinking water with blood lead levels, for informing future consideration of a health-based benchmark for the Lead and Copper Rule revisions.

World Health Organization Meeting on Antibiotic Resistance and the Environment

July 5-6 in the Netherlands, ORD will participate in the World Health Organization Meeting on Antibiotic Resistance and the Environment during which the committee will develop an action plan identifying research priorities. ORD will offer expertise in antibiotic resistance in wastewaters, wastewater treatment, and U.S. wastewater treatment regulations. This planning committee brings together researchers and scientists from around the world to discuss topics concerning antibiotic resistance in various environmental matrices.

Unilever

June 24-29, ORD scientists will meet with Unilever's Safety and Environmental Assurance Center staff to discuss the cooperative research project underway to evaluate new approaches for assessing the risk of chemicals. EPA and Unilever are working under a Collaborative Research and Development Agreement on a series of case studies based on five chemicals of mutual interest. If successful, research from this collaboration will result in better ways to evaluate the potential health effects of new ingredients and chemicals we currently know little about. These methods could be used by both industry and governmental agencies to reduce the costs associated with safety testing and ultimately address the thousands of untested chemicals in our environment.

Perchlorate

On June 29, ORD will participate in a briefing for OMB and other interested federal agencies on OW's upcoming peer review of their draft *Proposed Approaches to Inform the Derivation of a Maximum Contaminant Level Goal (MCLG) for Perchlorate in Drinking Water*. ORD scientists have contributed to the development and review of modeling to inform the MCLG and review of OW's subsequent approaches to derive an MCLG. OW is preparing for a contractor-led peer review with public comment in summer 2017.

Last Week Highlights

Clean Air Scientific Advisory Committee Teleconference

On June 20, the Clean Air Scientific Advisory Committee (CASAC) held a teleconference to discuss the CASAC sulfur oxides (SOx) Panel's draft letter summarizing their review of the 2nd draft Integrated Science Assessment (ISA) for Oxides of Sulfur – Health Criteria. This meeting included the statutory CASAC members. While there are 80 pages of comments to evaluate and respond to, the NCEA SOx ISA team is well-positioned to complete the final SOx ISA by the court-ordered deadline in early December.

Rapid Tests Transform Chemical Safety Calls

A Practitioner Insights article by ORD's Rusty Thomas and John Wambaugh was recently published in Bloomberg BNA's Daily Environmental Report. The article, entitled "Rapid Tests Transform Chemical Safety Calls", describes the challenge of making safety-related decisions on thousands of chemicals that may lack hazard and exposure data. The article provides information on how EPA is developing faster and more economical approaches to predict potential health effects of thousands of chemicals, and how EPA is providing access to this data through online dashboards to support regulatory and policy decisions. The article summarizes EPA's progress in assessing the chemistry, hazard, dose response, and exposure data for chemicals.

ORD Research Lauded by Nisqually Tribe Land Trust Newsletter

A recent newsletter article cited ORD research on VELMA (Visualizing Ecosystem Land Management Assessments) that was used to help the Nisqually Community Forest plan for timber-thinning projects. The [[HYPERLINK "http://nisquallylandtrust.org/nisqually-wp/wp-content/uploads/2017/05/newsletter-1.pdf"](http://nisquallylandtrust.org/nisqually-wp/wp-content/uploads/2017/05/newsletter-1.pdf)] reads, in part: *"Guided by sophisticated new modeling from the Environmental Protection Agency's Western Ecology Division in Corvallis, combined with modeling used by the Nisqually Tribe for salmon recovery, the community forest's management team will selectively thin the property's timber stands to encourage old-growth forest characteristics and increase stream flow during the fall spawning season."* VELMA predicts the effectiveness of alternative green infrastructure scenarios for protecting water quality, and also estimates potential ecosystem service co-benefits and trade-offs.

Superfund

During this reporting period, Region 4 began working with ORD's Engineering Technical Support Center and Groundwater Technical Support Center to review a Feasibility Study for the [[HYPERLINK "https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0402724"](https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0402724)] near Yadkinville, NC. ORD's review will ensure that all potential remedial alternatives identified by the potentially responsible party are being considered so that most cost-effective and health-protective option can be found.

ORD State Coordination Team Meeting

On June 19, ORD hosted the State Coordination Team monthly teleconference to discuss efforts underway to develop additional stories on how ORD's research and technical assistance are supporting the states, as well as plans for the Environmental Research Institute of the States (ERIS) Board-EPA Joint Meeting to be held on July 11-12 in Oklahoma.

Small Business Innovation Research (SBIR)

The former EPA SBIR-funded company, [[HYPERLINK "http://www.pitmoss.com/"](http://www.pitmoss.com/)] – which has developed a sustainable potting soil made of recycled paper reclaimed from landfills that serves as an alternative to peat moss – is experiencing rapid growth in their consumer base, revenue, and social media presence. PitMoss products are attracting interest from across the country, and they recently had their first truckload sale to Colorado along with the first pallet sale to Washington State, while growers in Northern California have reached out about ordering a truckload as well. An ever-expanding consumer base typically coincides with increasing profits, and PitMoss has already doubled last year's revenue (they hope to triple or quadruple it by the end of the year), after also doubling their revenue from the previous year. To learn more, visit their

website, search PitMoss across various social media platforms, or view their [[HYPERLINK](https://www.youtube.com/channel/UCWnLUOfRCIrK7VLNsbbtXew) "https://www.youtube.com/channel/UCWnLUOfRCIrK7VLNsbbtXew"].

Office of Water

Hot Issues

Waters of the U.S., Step 1: We anticipate receiving this week, OMB final comments on the revised draft economic analysis and preamble for the step 1 rule.

Waters of the U.S., Step 2: This week, we began evaluating comments received from the formal federalism and tribal consultation for the step 2 rulemaking. As of Wednesday we had received 142 federalism letters and 26 tribal letters. Several tribes have asked for government-to-government consultation which we anticipate arranging. In addition, we attended the Local Government Advisory Committee's meeting today and anticipate receiving their recommendations soon.

Lead Modeling Peer Review Meeting: Next week, the agency will convene an expert peer review, here in D.C., of EPA's draft scientific modeling approaches intended to inform decisions on health-based benchmarks for lead in drinking water.

HABs Web Materials for Recreational Water Managers: As early as next week, OW anticipates launching a new website to provide information for recreational water managers to help them protect public health from harmful algal bloom (HABs) outbreaks. Interested recreational water managers can use these materials in developing or implementing their own bloom notification and monitoring programs. The information, building on best practices in states and tribes, includes a communications toolbox with templates and example notifications, as well as a document laying out a monitoring framework for recreational water managers to effectively manage their resources and protect the public during swimming and other water-contact activities. These materials were developed in conjunction with an Association of Clean Water Administrators (ACWA) State/EPA Focus Workgroup, and also underwent a broader review by ACWA and the Association of State and Territorial Health Officials.

Puerto Rico SRF: Today, we participated on a call with PRASA and USDA to clarify questions related to the debt restructuring counterproposal PRASA offered. We are amenable to their counterproposal with two significant requests: 1) maintaining the Commonwealth guarantee, and 2) moving up the waterfall. We are doing some analysis and hope to send a counterproposal to PRASA in the next few weeks. In addition, next week we anticipate that the SRFs will extend the debt forbearance for an additional 6 months. The current forbearance agreement with PRASA expires next Friday, June 30.

Algal Indicators in Streams: A Review of their Application in Water Quality Management of Nutrient Pollution: The week of June 26th, OW anticipates publishing a summary paper titled "*Algal Indicators in Streams: A review of their application in water quality management of nutrient pollution*" that describes the use of algal indicators to develop water quality diagnostics for nutrient pollution in the United States and reviews scientific developments in the application of algal indicators across the world. Water quality managers can use this paper to better understand when and how to utilize algae as indicators of nutrient pollution in stream ecosystems.

Tribal Infrastructure Authority: The FY17 Appropriations Act included a new authority for the Administrator to use up to \$2 million of Clean Water SRF Indian Set Aside funds (which was funded at \$30 million) for training, technical assistance, and education related to the operation and maintenance of tribal wastewater utilities. Next week, we anticipate sending a letter to tribal leaders to initiate formal tribal consultation on the implementation of this authority, and intend to hold two tribal consultation conference calls in early July. We will also soon be routing a delegation of authority memo for the Administrator's approval, to delegate to the OW AA, the authority to administer the training and technical assistance provision.

Upcoming Public Events

NAFSMA Flood & Stormwater Management 2017: Next Wednesday, I will be in Charleston, South Carolina to speak at the National Association of Flood & Stormwater Management Agencies, Flood & Stormwater Management Conference as a panelist on the Federal Water Resources Perspectives & Dialogue session.

One Water Summit: Next week, OW will participate in the One Water Summit, joining other stakeholders including utilities, environmental groups, and community leaders to discuss water sector stewardship, challenges and issues. Coordinated by the US Water Alliance, the conference will provide a venue for discussion on topics related to water such as financing, infrastructure and partnerships.

Last Week Highlights

Response on the Go Application: This week, OW released the Response On-The-Go Application, which features real-time access to valuable tools and response information including location-based hazardous weather updates, interactive maps and charts from the National Weather Service and National Oceanic and Atmospheric Administration, and EPA Incident Action Checklists that outline disaster-specific response actions. On the heels of the start of the Atlantic hurricane season on June 1, this tool allows water utility personnel and first line responders to coordinate closely with stakeholders, maintain awareness of threats to their water system and surrounding community, and document response actions during emergencies. The App can be downloaded for free for use on a variety mobile devices and tablets.